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No.5] NEW DELHI, SATURDAY, NOVEMBER 10, 1979/KARTIKA 19, 1901

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके ।

Separate paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़ कर) भारत सरकार के मंत्रालयों और (संघ राज्यक्षेत्र प्रशासनों को छोड़ कर)

केन्द्रीय प्राधिकारियों द्वारा जारी किये गए सांविधिक आदेश और अधिसूचनाएं

**Statutory Orders and Notifications issued by the Ministries of the Government of India
(other than the Ministry of Defence) by Central Authorities (other than the
Administrations of Union Territories)**

ELECTION COMMISSION OF INDIA

New Delhi, the 23rd October, 1979

O. 3693.—In pursuance of sub-section (2)(b) of section 116C of the Representation of the People Act, 1951 (3 of 1951), the Election Commission hereby publishes the judgment dated 11 October, 1979 of the Supreme Court of India in Civil Appeal No. 1688(NCE) of 1978 against the judgment and order dated 21 September, 1978 of the High Court of Andhra Pradesh at Hyderabad in Election Petition No. 3 of 1977.

IN THE SUPREME COURT OF INDIA CIVIL APPELLATE JURISDICTION CIVIL APPEAL NO. 1688 OF 1978

Smt. Radha Bai Ananda Rao Appellant
Versus
S. Suvarna Kumar and another Respondent

JUDGMENT

SHINGHAL J.,—Appellant Smt. Radha Bai Ananda Rao feels aggrieved against the judgment of the High Court of Andhra Pradesh dated September 21, 1978, as her election to the Sixth Lok Sabha from the Bhadrachalam (Scheduled Tribes) Parliamentary Constituency has been declared void. She was declared elected on March 21, 1977, but her election was challenged by K. Bapanna Dora, who was one of

the contesting candidates at the election, on the ground that she was not a member of a Scheduled tribe and had wrongly made a declaration, in her nomination paper, that she belonged to the 'Koya' scheduled tribe notified by the President's order under article 342(1) of the Constitution to be a scheduled tribe throughout the State of Andhra Pradesh. The appellant denied the contention of the election petitioner and asserted that she belonged to that tribe. She stated that she had successfully contested the two earlier general elections of 1967 and 1971 also, as candidate belonging to the 'koya' scheduled tribe.

Four issues were framed by the trial court on March 17, 1978. K. Bapanna Dora however, made an application on April 3, 1978, under section 109(1) of the Representation of the People Act, 1951, for leave to withdraw the election petition. That was allowed, and S. Suvarna Kumar was substituted as the election petitioner. The High Court proceeded with the trial of the election petition and ultimately recorded the finding that the appellant did not belong to the 'Koya' community, which was a scheduled tribe, that the acceptance of her nomination paper by the Returning Officer was illegal, and that her election was liable to be declared void. It accordingly made the impugned order and awarded costs to the election petitioner.

Although four issues were framed for the trial of the election petition, the trial centred round the main question whether the appellant belonged to the 'Koya' scheduled tribe mentioned in the Constitution (Scheduled Tribes) Order, 1950.

The schedule to the Order specifies that the following shall, inter alia, be a scheduled tribe throughout the State of Andhra Pradesh,—

"Koya or Goud with its sub-sects-Rajah or Rasha Koyas, Lingadhari Koyas (ordinary), Kotty Koyas, Rhine Koya and Rajkoya."

We are not concerned with any of the sub-sects mentioned in the Order, and the short question for consideration is whether the finding of the High Court that the appellant did not belong to the 'Koya' tribe is correct.

Learned counsel for the parties have relied mainly on the documentary evidence which consist of entries in the birth and the school registers and have not challenged the admissibility of any of those documents.

We shall first take into consideration the two documents on which reliance has been placed for showing that the appellant was a 'Doli', and not a 'Koya'. The first of those is entry Ex. A4(a) which states that one Radhabai, daughter of Gourayya of Venkatapuram, who was born on June 15, 1922, was admitted in class I of the school on February 2, 1927. In column 10 of the that entry, the 'religion' of Radhabai has been entered as 'Doli', and it has been urged that that was sufficient to prove that she was not a 'Koya', but was a 'Doli' which was not a scheduled tribe at all. The second document is Ext. A3 which is an entry from the Daily Birth Register of the year 1930 of Venkatapuram village showing that the birth of a child to Gourayya was registered on May 14, 1930, and the caste was noted as 'Doli'. This entry has also been utilised for the purpose of showing that the appellant did not belong to the 'Koya' scheduled tribe as her father was a 'Doli'. The appellant has however stated that entry Ext. A4(b), which corresponds to entry Ex. A4(a) except that it is later in point of time inasmuch as it mentions the date of Radhabai's leaving the school as November 3, 1930, does not relate to her. She has in fact stated that she was born in 1927 and not in 1922. But even if it were assumed that Exts. A4(a) and A3 go to show that the caste or religion of the appellant's father was recorded as 'Doli' in 1927 and, thereafter, in 1930, it has still to be examined whether that was satisfactory evidence to prove that the appellant did not belong to the 'Koya' scheduled tribe. We have gone through the other evidence on the record also to arrive at the correct finding.

The earliest evidence in the matter is furnished by the document Ext. A4(c) which is an extract from the register of admissions and withdrawals of the panchayat school. It shows that Venkataswamy, son of Gourayya, resident of village Venkatapuram, was admitted in the school on June 2, 1924. He was born in June 1919. The exact date of birth could not be read because it was not clear. In column 10 of the register the 'religion' of Venkataswamy was entered as 'Doli Koya'. It is not in controversy before us that the entry relates to the appellant's elder brother Venkataswamy. The High Court has not given any reason for doubting the evidentiary value of Ex. A4(c), or its correctness. Even so, it has observed in passing that "the entries in Exs. A-4(a), A-4(b), A-4(c) and A-5(a) establish that Children Gowraiah and his children, namely, the first respondent and her elder brother are 'dolis' ". We are constrained to say that it was not permissible for the High Court to take the view that entry Ext. A4(c) could justify the finding that the appellant and her elder brother were 'Dolis' and were not Koyas. As has been stated, the relevant entry read as 'Doli Koya' and not as 'Doli'. So when it has not been found that the entry was overwritten in any respect, or was otherwise suspicious, it goes to prove that, as far back on June 2, 1924, the appellant's elder brother was recorded as 'Doli Koya' and not merely as 'Doli'.

In this connection the evidence of M. Rhima Rao, R.W. 2, who was the Tahsildar of the taluk concerned, is relevant. He has categorically stated that there was no such caste as 'Doli', and that "amongst the Koya people who professionally beat the drums on festive occasions are called Dolya". There is no reason for us to put a different interpretation on the entry Ex. A4(c), and it shows that as far back as June 2, 1924, the appellant's brother was recorded as a person belonging to the 'Koya' scheduled tribe.

Then there is entry Ex. B8 in respect of the same brother (Venkataswamy) of the appellant in the register of admissions and withdrawals of the primary school. It shows that

the appellant's brother, who was born on June 1, 9, was again admitted in the school on November 1, 1924 and his 'religion' was recorded as 'Koya'.

It is therefore well established that right from 1922 to November 1, 1935, the family of the appellant was recorded as belonging to the 'Koya' scheduled tribe.

Our attention has been invited to entries Exts. A, B 4 and B 6 of the school registers to show that the appellant was recorded as 'Doli Koya' or 'Koya' in 1930, 1931 and 1941, but the High Court has not thought it proper to place reliance on these entries and we have therefore left them out of consideration.

We shall proceed to consider the next two entries which relate to the younger sister and brother of the appellant. Entry Ext. B 5 admittedly relates to the appellant's younger sister Venkatapati and shows that she was admitted in the panchayat school on December 2, 1937 and her religion has been recorded as 'Koya'. There is no reason why reliance should not be placed on this entry. Then there is entry Ex. B 7 in respect of the appellant's brother Narayanaiah which shows that he was admitted in the panchayat school July 27, 1944 and left it on September 19, 1944 and his 'religion' was also recorded as 'Koya'. There is no reason to disbelieve the correctness of this entry also. The High Court has rejected the entries made after 1930 relating to the appellant and her relatives, under the impression that they were made on the advice of her relative Appa Rao who was headmaster of the school for 5 or 6 years. The High Court has, however, taken notice of that part of the statement of the appellant, which remained unrebated, where she had stated categorically that Appa Rao was the headmaster of the school during 1938—1942 and could not possibly have anything to do with the entries which were made before 1938 or after 1942. As it is, none of the entries on which we have thought it proper to place reliance for the purpose of examining the correctness of the High Court's finding, relate to the period during which Appa Rao was the headmaster of the school, and we have no doubt that there was no justification for the High Court to reject the evidentiary value of those documents merely because Appa Rao had not been the headmaster of the school.

It would thus appear that documents Ex. A4(c), B 8, 5 and B 7, which were recorded during the period from June 2, 1924 to September 19, 1944, show that the elder brother of the appellant as well as her younger sister and brother were recorded as belonging to the 'Koya' scheduled tribe in the school registers. The appellant was a child when entries Exts. A4(c) and B 5 were made, and she was quite a young girl when entries Exts. B 5 and B 7 were made, and she could not possibly have thought that there was any advantage in recording the tribe of her brothers and sister as 'Koya' during that period, which was long before the issue of the Constitution (Scheduled Tribes) Order, 1950.

It may be mentioned that the appellant has placed reliance on the Tehsildar's certificate Ext. B 1 that she belonged to the 'Koya' scheduled tribe, and entry Ext. B 10 in the National Citizenship Register which was prepared in 1951 showing that she belonged to the 'Koya' scheduled tribe. It is not however, necessary to refer to them as nothing could possibly turn on them when the other evidence on the record is sufficient to decide the question in controversy.

On a consideration of the entire evidence on the record we have, therefore, no doubt that the appellant belonged to the 'Koya' scheduled tribe. The contrary finding of the High Court is incorrect and is set aside. As the election petition succeeded only because of the finding that the appellant did not belong to the 'Koya' scheduled tribe, the appeal is allowed, the impugned judgment of the High Court is set aside and the election petition is dismissed with costs here and below. A substance of this decision shall be intimated to the authorities concerned as required by section 116C(2) of the Representation of the People Act, 1951.

Sd/-

A. C. GUPTA, J.
Sd/-

P. N. SHINGHAL, J.

New Delhi,
October 11, 1979

[No. 82/AP-HP(3/77)/78]
S. C. JAIN, Under Secy.

गृह मंत्रालय
(कार्मिक और प्रशासनिक विभाग)
नई दिल्ली, 25 अक्टूबर, 1979

क्रा० प्रा० 3694 —दण्ड प्रक्रिया संहिता 1973 (1974 का 2) की धारा 24 की उपधारा (8) के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा विशेष न्यायाधीश, अर्नाकुलम के न्यायालय में श्री एम० के० के० नायर के विरुद्ध दिल्ली विधायक पुलिस स्थापना नियमित मामला सं० 10/69—केंद्र प्रॉच का संचालन करने हेतु श्री के० एम० रंगचारी, अधिवक्ता, मद्रास को विशेष लोक-अभियोजन के रूप में नियुक्त करता है।

[संख्या 225/26/79-ए० सी० डी०-II]
टी० के० मुन्नरणिपन, अवर सचिव

MINISTRY OF HOME AFFAIRS
(Department of Personnel and Administrative Reforms)
New Delhi, the 25th October, 1979

S.O. 3694.—In exercise of the powers conferred by sub-section (8) of section 24 of the Code of Criminal Procedure 1973 (2 of 1974), the Central Government hereby appoints Shri K. M. Rangachari, Advocate, Madras, as a Special Public Prosecutor, for the purposes of conducting the Delhi Special Police Establishment Regular case No. 10/69-Kerala Branch, against Shri M. K. K. Nair, in the Court of the Special Judge, Ernakulam.

[No. 225/26/79-AVD. II]
T. K. SUBRAMANIAN, Under Secy.

वित्त मंत्रालय

(राजस्व विभाग)

नई दिल्ली, 22 अगस्त, 1979

आय-कर

क्रा० प्रा० 3695 —सर्वसाधारण की जानकारी के लिए अधिसूचित किया जाता है विहित प्राधिकारी, अर्थात् भारतीय समाज विज्ञान अनुसंधान परिषद् ने निम्नलिखित संस्था को आय-कर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (iii) प्रयोजनों के लिए निम्नलिखित शर्तों पर अनुमोदित किया है, अर्थात् :—

- (1) इस छूट के अधीन कृष्णामूर्ति प्रतिष्ठान, भारत द्वारा संग्रहीत निधियों का उपयोग केवल समाज विज्ञानों में अनुसंधान को वृद्धि के लिए किया जाएगा।
- (2) संस्थान छूट के अधीन अपने द्वारा संग्रहीत निधियों का पृथक हिमाक्ष रखेगा।
- (3) प्रतिष्ठान भारतीय समाज विज्ञान अनुसंधान परिषद् की और आय-कर आयुक्त को भी वार्षिक लेखा विवरण और वार्षिक रिपोर्ट भेजेगा जिसमें छूट के अधीन अपने द्वारा संग्रहीत निधियों और उस राशि को जिसमें निधियों का उपयोग किया गया है, दर्शाया जाएगा।

संस्था

कृष्णामूर्ति प्रतिष्ठान, भारत, मद्रास।

यह अधिसूचना 1-4-1979 से 31-3-1982 तक तीन वर्ष की अवधि के लिए प्रभावी है।

[सं० 2976 (फा० सं० 203/65/79-आई० टी० ए० II)]

MINISTRY OF FINANCE

(Department of Revenue)

New Delhi, the 22nd August, 1979

INCOME TAX

S.O. 3695.—It is hereby notified for general information that the institution mentioned below has been approved by the Indian Council of Social Science Research the prescribed authority for the purposes of clause (iii) of sub-section (1) of Section 35 of the Income-tax Act, 1961, subject to the following conditions :—

- (1) The funds collected by the Krishnamurti Foundation India, under this exemption will be utilized, exclusively for promotion of research in social sciences.
- (2) That the Institute shall maintain separate accounts of the funds collected by them under the exemption.
- (3) That the Foundation shall send annual statement of accounts and annual report to the ICSSR as well as to the Commissioner of Income tax showing the funds collected by them under the exemption and the manner in which the funds were utilized.

INSTITUTION

Krishnamurti Foundation, India, Madras.

This notification is effectively for a period of three years from 1-4-1979 to 31-3-1982.

[No. 2976 (F. No. 203/65/79-ITA. II)]

नई दिल्ली, 23 अगस्त, 1979

क्रा० प्रा० 3696 —सर्वसाधारण की जानकारी के लिए अधिसूचित किया जाता है कि विहित प्राधिकारी, अर्थात् भारतीय समाज विज्ञान अनुसंधान परिषद् ने निम्नलिखित संस्था को आय-कर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (iii) के प्रयोजनों के लिए निम्नलिखित शर्तों पर अनुमोदित किया है, अर्थात् :—

- (i) इस छूट के अधीन नागपुर प्रबंध संस्था द्वारा संग्रहीत निधियों का उपयोग केवल समाज विज्ञानों में अनुसंधान को वृद्धि के लिए किया जाएगा।
- (ii) संस्था छूट के अधीन अपने द्वारा संग्रहीत निधियों का पृथक हिमाक्ष रखेगा।
- (iii) उक्त संस्था भारतीय समाज विज्ञान अनुसंधान परिषद्, नई दिल्ली को एक वार्षिक रिपोर्ट भेजेगा जिसमें छूट के अधीन संग्रहीत निधियों और उस राशि को जिसमें निधियों का उपयोग किया गया है, दर्शाया जाएगा।

संस्था

नागपुर प्रबंध संस्था, नागपुर

यह अधिसूचना 1-4-1979 से 31-3-1982 तक 3 वर्ष की अवधि के लिए प्रभावी है।

[सं० 2977 (फा० सं० 203/184/78-आई० टी० ए० II)]

जे० पी० शर्मा, निदेशक

New Delhi, the 23rd August, 1979

S.O. 3696.—It is hereby notified for general information that the institution mentioned below has been approved by the Indian Council of Social Science Research and prescribed authority for the purposes of clause (iii) of sub-section (1) of Section 35 of the Income-tax Act, 1961, subject to the following conditions :—

- (i) The funds collected by the Nagpur Management Association under this exemption will be utilized exclusively for promotion of research in social sciences.

(ii) That the Association shall maintain separate accounts of the funds collected by them under the exemption.

(iii) That the Association shall send an Annual Report to the Indian Council of Social Science Research, New Delhi showing the funds collected under the exemption and the manner in which the funds were utilized.

INSTITUTION

Nagpur Management Association, Nagpur.

This notification is effective for a period of 3 years from 1-4-1979 to 31-3-1982.

[No. 2977 (F. No. 203/184/78-ITA II)]

J. P. SHARMA, Director

नई दिल्ली, 3 सितम्बर, 1979

(भायकर)

क्रा० आ० 3697:—केन्द्रीय सरकार, भाय-कर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23-ग) के खण्ड (V) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, 'श्री रंगम् श्रीमद् एनवादन पेरियास्रमम्' को निर्धारण वर्ष 1973-74 से 1979-80 तक के लिए उक्त धारा के प्रयोजनार्थ अधिसूचित करती है।

[सं० 2990 (क्रा० सं० 197/114/78-आ० क्र० (ए 1))
बी० एम० सिंह, भवर सचिव

New Delhi, the 3rd September, 1979

(INCOME-TAX)

S.O. 3697.—In exercise of the powers conferred by clause (V) of sub-section (23c) of section 10 of the Income-tax Act, 1961 (43 of the 1961), the Central Government hereby notifies 'Srirangam Srimad Andavan Periasramam', for the purpose of the said section for the assessment years 1973-74 to 1979-80

[No. 2990/F. No. 197/114/78-IT(AI)]

B. M. SINGH, Under Secy.

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 25 अक्टूबर, 1979

क्रा० आ० 3698:—सरकारी स्थान (अप्रामाणिकृत अधिभोगियों की बेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए एवं भारत सरकार के राजस्व और बैंकिंग विभाग (बैंकिंग पक्ष) की दिनांक 19 अक्टूबर, 1976 की अधिसूचना सं० 7 (9)-बी० आ०-III/74 का अधिकरण करते हुए, केन्द्रीय सरकार एतद्वारा नीचे दी गयीं सारणी के स्तम्भ (2) में उल्लिखित अधिकारियों, जो भारत सरकार के राजपत्रित अधिकारी के रैंक के समकक्ष अधिकारी हैं, उक्त अधिनियम के प्रयोजनों के लिए सम्पदा अधिकारी के रूप में नियुक्त करती है। ये अधिकारी उक्त सारणी के स्तम्भ (3) में उल्लिखित सरकारी स्थानों के सम्बन्ध में उक्त अधिनियम के द्वारा अथवा उसके अन्तर्गत सम्पदा अधिकारियों को सौंपे गये कतव्यों का निर्वहन करेंगे और प्रदत्त शक्तियों का प्रयोग करेंगे।

सारणी

क्रम सं०	अधिकारी का पदनाम	सरकारी स्थानों और क्षेत्राधिकार सीमाएं	का वर्गीकरण की स्थानीय
1	2	3	
1.	विधि अधिकारी, बंगलौर जोन, सिण्डीकेट बैंक, सिण्डीकेट बैंक बिल्डिंग, प्रथम तल, 11 कास रोड, गांधी नगर, पो० डा० नं० 9513, बंगलौर-560009	कर्नाटक राज्य के उत्तर कन्नड़ और दक्षिण कन्नड़ जिलों के अलावा उस राज्य में स्थित और सिण्डीकेट बैंक के अलावा उसके द्वारा अथवा उसकी ओर से पट्टे पर लिये गये अथवा अधिगृहीत स्थान	
2.	विधि अधिकारी, बम्बई जोन, सिण्डीकेट बैंक, मैकर टावर ई, दूसरा तल, प्लॉट नं०-85-काफी परेड, कोलाबा, बम्बई-400005	गुजरात, मध्य प्रदेश और महाराष्ट्र राज्यों में स्थित और सिण्डीकेट बैंक के अथवा उसके द्वारा अथवा उसकी ओर से पट्टे पर लिये गये अथवा अधिगृहीत स्थान।	
3.	विधि अधिकारी, दिल्ली जोन, सिण्डीकेट बैंक, मिलाप निकेतन, बी-ए, बहादुर-शाह जफर मार्ग, पो० डा० नं० 7074, नई दिल्ली-110001	असम, जम्मू और कश्मीर, उड़ीसा, बिहार, हरियाणा, हिमाचल प्रदेश, पंजाब, राजस्थान, उत्तर-प्रदेश, पश्चिम बंगाल राज्यों तथा अण्डमान और निकोबार द्वीप समूह, जण्डीगढ़ और दिल्ली के संघ राज्य क्षेत्रों में स्थित और सिण्डीकेट बैंक के अथवा उसके द्वारा अथवा उसकी ओर से पट्टे पर लिये गये अथवा अधिगृहीत स्थान।	
4.	विधि अधिकारी, हैदराबाद जोन, सिण्डीकेट बैंक, 'पायनीयर हाउस', सोमाजीगुडा, एवम् मंजिल के सामने, हैदराबाद-500004	म्रांछ प्रदेश और तमिलनाडु राज्यों में स्थित और सिण्डीकेट बैंक के अथवा उसके द्वारा अथवा उसकी ओर से पट्टे पर लिये गये अथवा अधिगृहीत स्थान।	
5.	विधि अधिकारी, वेस्ट कोस्ट जोन, सिण्डीकेट बैंक, पोस्ट बोक्स नं० 1, मनीपाल-576119 दक्षिण कन्नड़ जिला, कर्नाटक राज्य	केरल राज्य और कर्नाटक राज्य के उत्तर कन्नड़ और दक्षिण कन्नड़ जिलों में और लक्षद्वीप, गोवा और पांडिचेरी के संघ राज्य क्षेत्रों में स्थित और सिण्डीकेट बैंक के अथवा उसके द्वारा अथवा उसकी ओर से पट्टे पर लिये गये अथवा अधिगृहीत स्थान।	

[सं० 7 (75)-बी० आ०-III/79]

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 25th October, 1979

S.O. 3698.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), and in supersession of the notification of the Government of India in the Department of Revenue and Banking (Banking Wing) No. 7(9)-B.O.III/74 dated

the 19th October, 1976 the Central Government hereby appoints the officers mentioned in column (2) of the Table below, being officers equivalent to the rank of Gazetted Officer of Government to be estate officers for the purposes of the said Act, who shall exercise the powers conferred and perform the duties imposed on the estate officers by or under the said Act in respect of the public premises specified in column (3) of the said Table.

TABLE

S. No.	Designation of Officer	Categories of Public premises and local limits of jurisdiction
(1)	(2)	(3)
1.	Law Officer BANGALORE ZONE Syndicate Bank Syndicate Bank Building 1st Floor, II Cross Road, Gandhinagar, P.B.No.9513 BANGALORE-560009.	Premises belonging or taken on lease, or requisitioned by or on behalf of the Syndicate Bank and situated in the State of Karnataka except in Uttar Kannada and Dakshina Kannada Districts of the said State.
2.	Law Officer, BOMBAY ZONE Syndicate Bank Maker Tower E 2nd Floor, Plot No. 85 Cuffe Parade, Colaba BOMBAY-400005.	Premises belonging to or taken on lease, or requisitioned by or on behalf of the Syndicate Bank and situated in the States of Gujarat, Madhya Pradesh and Maharashtra.
3.	Law Officer, DELHI ZONE Syndicate Bank Milap Niketan 8-A, Bahadur Shah Zafar Marg, P.O. Box No. 7074 NEW DELHI-110001.	Premises belonging to or taken on lease, or requisitioned by or on behalf of the Syndicate Bank and situated in the States of Assam, Bihar, Haryana, Himachal Pradesh, Jammu and Kashmir, Orissa, Punjab, Rajasthan, Uttar Pradesh, West Bengal and the Union territories of Andaman and Nicobar Islands, Chandigarh and Delhi.
4.	Law Officer HYDERABAD ZONE Syndicate Bank 'Pioneer House' Somajiguda Opp : Ewam Manzil HYDERABAD-500004.	Premises belonging to or taken on lease, or requisitioned by or on behalf of the Syndicate Bank and situated in the States of Andhra Pradesh and Tamil Nadu.
5.	Law Officer WEST COAST ZONE	Premises belonging to or taken on lease,

1	2	3
	Syndicate Bank Post Box No. 1 MANIPAL-576119 Dakshina Kannada District, Karnataka State.	or requisitioned by or on behalf of the Syndicate Bank and situated in the State of Kerala and Uttar Kannada and Dakshina Kannada Districts of the State of Karnataka and the Union territories of Lakshadweep, Goa and Pondicherry.

[No. 7(75)-B.O.III/79]

नई दिल्ली, 27 अक्टूबर, 1979

क्रा० धा० 3699:—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर एन० द्वारा घोषणा करती है कि उक्त अधिनियम की धारा 9 के उपबन्ध, 31 दिसम्बर, 1979 तक, बड़ी दोआब बैंक लिमिटेड, होशियारपुर (पंजाब) पर उस सीमा तक लागू नहीं होंगे जहाँ तक इनका सम्बन्ध इस बैंक द्वारा पंजाब के होशियारपुर जिले में प्रेमगढ़ तथा फिरोजपुर जिले में ग्राम कोतवाल में 37 कैनल भूमि सम्पत्ति की धारिता से है।

[संख्या 15 (14)-बी० धा०-III/79]
एन० डी० बत्रा, प्रवर सचिव

New Delhi, the 27th October, 1979

S.O. 3699.—In exercise of the powers conferred by section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of Section 9 of the said Act shall not apply till the 31st December, 1979 to the Bari Doab Bank Ltd., Hoshiarpur (Punjab) in respect of the landed properties held by it at Premgarh, Hoshiarpur District and 37 Kanals at village Kotwal, Firozepur District, Punjab.

[No. 15(14)-B.O. III/79]

N. D. BATRA, Under Secy

OFFICE OF THE COMMISSIONER OF INCOME TAX

ORDER

Jaipur, the 23rd October, 1979

S.O. 3700.—In exercise of the powers delegated by the Central Government under sub-section (1) of Section 287 of the I. T. Act, 1961 (43 of 1961) and under the authority given by the Central Board of Direct Taxes, Ministry of Finance, Department of Revenue, Government of India, New Delhi. I, the undersigned hereby publish the names and other particulars of the assessee who during the financial year 1978-79 have been assessed on a total income of Rs. 2 lakhs or more (in case of Individuals and Hindu Undivided Families) and on an income of Rs. 10 lakhs or more (in case of Firms, Association of persons and Companies), publication of which has been considered necessary in public interest (As per Annexure).

Names of all Individuals and Hindu Undivided Families assessed on total income of Rs. 2 lakhs or more and Firms, Association of Persons and Companies assessed on total income of Rs. 10 lakhs or more during the Financial Year 1978-79.

1. (i) M/s. Gem Palace, M. I. Road, Jaipur.
(ii) Registered Firm.
(iii) 1975-76.
(iv) Rs. 15,82,120/-.
(v) Rs. 18,01,680/-.
(vi) Rs. 4,99,654/-.
(vii) Rs. 4,70,280/-.
2. (i) M/s. Aditya Mills Ltd., Madan Ganj Kishangarh, Distt. Ajmer.
(ii) Company.
(iii) 1974-75.
(iv) Rs. 22,49,190/-.
(v) Rs. 29,44,080/-.
(vi) Rs. 17,00,206/-.
(vii) Rs. 17,00,206/-.

[No. T&S-3/Pub./IT/79-80/765]

V. P. GUPTA, Commissioner

वाणिज्य तथा नागरिक पूति संज्ञालय

(वाणिज्य विभाग)

मुद्रित

नई दिल्ली, 28 सितम्बर, 1979

का० प्रा० 3701:—इस संज्ञालय की अधिवृत्त संख्या 3/79 (1/1/77-टी एफ) दिनांक 13 सितम्बर, 1979 में क्रमांक (2) पर दिये गये नाम को श्री जे० के० भट्टाचार्य पढ़ा जाए।

[सं० 3/79 (1/1/77-टी० एफ०)]

MINISTRY OF COMMERCE & CIVIL SUPPLIES

(Department of Commerce)

CORRIGENDUM

New Delhi, the 28th September, 1979

S.O. 3701.—In this Ministry's notification No. 3/79(1/77-TF) dated the September 13, 1979 the name at S. No. (2) may be read as Shri J. K. Bhattacharya.

[No. 3/79/(1/1/77-TF)]

नई दिल्ली, 11 अक्टूबर, 1979

का० प्रा० 3702:—राष्ट्रपति द्वारा भारतीय व्यापार मेला प्राधिकरण के अध्यक्ष तथा अंश कालिक निदेशक के पद से श्री सी० आर० कृष्णा-स्वामी राव साहिब का त्याग पत्र 24 सितम्बर, 1979 से स्वीकार करने हैं।

[सं० 7/79 (1/1/77-टी० एफ०)]

गिरिश धुमे, निदेशक

New Delhi, the 11th October, 1979

S.O. 3702.—The President is pleased to accept the resignation of Shri C. R. Krishnaswami Rao Sahib as Chairman and part-time Director of the Trade Fair Authority of India from 24th September, 1979.

[S. No. 7/79 (1/1/77-TF)]
GIRISH DHUME, Director

आदेश

नई दिल्ली, 27 अक्टूबर, 1979

का० प्रा० 3703:—केन्द्रीय सरकार, चाय अधिनियम, 1953 (1953 का 29) की धारा 16 (ख) की उपधारा (1) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, 13 मार्च, 1979 को प्रकाशित भारत सरकार के वाणिज्य, नागरिक पूति और सहायता मंत्रालय के आदेश सं० का० प्रा० 132(अ), तारीख 9 मार्च, 1979 में निम्नलिखित संशोधन करती है, अर्थात्:—

(1) उक्त आदेश के पैरा (2) में, मद सं० (2) के सामने विद्यमान प्रविष्टि के स्थान पर निम्नलिखित रखा जाएगा, अर्थात्:—

“(2) श्री ए० दुता, वित्त सहायकार और मुख्य लेखा अधिकारी, चाय बोर्ड, कलकत्ता।”

(2) उक्त आदेश के पैरा (3) में “90 दिन” शब्दों और शब्द के स्थान पर “300 दिन” शब्द और शब्द रखे जाएंगे।

[फा० सं० बी०-12012(4)/78-प्लांट (ए०)]

टी० बालाकृष्णन, संयुक्त सचिव

ORDER

New Delhi, the 27th October, 1979

S.O. 3703.—In exercise of the powers conferred by Sub-section (1) of Section 16B of the Tea Act, 1953 (29 of 1953), the Central Government hereby makes the following amendments in the order of the Government of India in the Ministry of Commerce, Civil Supplies and Cooperation No. S.O. 132(E) dated the 9th March, 1979 published on 13th March, 1979, namely:—

(1) In paragraph (2) of the said order, for the existing entry against item No. (2), the following shall be substituted, namely:—

“(2) Shri A. Dutta, Financial Adviser and Chief Accounts Officer, Tea Board, Calcutta;”

(2) In paragraph (3) of the said order, for the figure and word “90 days”, the figure and word “300 days” shall be substituted.

[F. No. B-12012(4)/78-Plant (A)]

T. BALAKRISHNAN, Jt. Secy.

(मुख्य नियंत्रक आयात निर्यात कार्यालय)

आदेश

नई दिल्ली, 24 अक्टूबर, 1979

का० प्रा० 3704:—भारतीय राज्य व्यापार निगम, नई दिल्ली को हुमरी से 4,12,557/किलो मूल्य के लिए रेफ्रीजरेटेड रोड वैन और ट्रकों के लिए फालतू पुर्जों का आयात करने के लिए लाइसेंस संख्या जी/एसटी/2377978, दिनांक 28-12-66 प्रदान किया गया था। उन्होंने उपर्युक्त लाइसेंस की अवधि सीमा शुल्क प्रयोजन प्रति के लिए इस आधार पर आवेदन किया है कि उपर्युक्त लाइसेंस की मूल सीमा शुल्क प्रति उनसे खो गई/अस्थानस्थ हो गई है। लाइसेंसधारी द्वारा आगे यह भी सूचना दी गई है कि लाइसेंस भारत में किसी भी पक्ष पर पंजीकृत नहीं हुआ है।

अपने तर्क के समर्थन में, राज्य व्यापार निगम ने एक शपथ पत्र दाखिल किया है। मैं सन्तुष्ट हूँ कि लाइसेंस संख्या जी/एसटी/2377978, दिनांक 28-12-66 की सीमा शुल्क प्रयोजन प्रति खो गई है और निदेश देता हूँ कि उपर्युक्त लाइसेंस की सीमा शुल्क प्रयोजन प्रति उनको जारी की जानी चाहिए। लाइसेंस की मूल सीमा शुल्क प्रति एतद्वारा रद्द की जाती है।

लाइसेंस संख्या-जी/एसटी/2377978 दिनांक 28-12-1966 की अनु-लिपि सीमा शुल्क प्रयोजन प्रति अलग से जारी की जा रही है।

[संख्या-एसटीसी/एचयूएन-53/66-67/आरएस-8/पीटी./222]

राजिन्द्र मिश्र, उपाध्यक्ष नियंत्रक, आयात-निर्यात

(Office of the Chief Controller of Imports & Exports)

ORDER

New Delhi, the 24th October, 1979

S.O. 3704.—The S.T.C. of India Limited, New Delhi were granted licence No. G/ST/2377978 dated 28-12-1966 for the import of Refrigerated Road Vans and spare parts for trucks from Hungary to the value of Rs. 4,12,557. They have requested for the issue of duplicate Custom purposes Copy of the above licence on the ground that the Original Custom Copy of the above licence has been lost/misplaced by them. It has been further reported by the licensee that the licence has not been registered with any port in India.

In support of their contention, the STC have filled an affidavit. The undersigned is satisfied that Custom Copy of licence No. G/ST/2377978 dated 28-12-66 has been lost and directs that Custom Copy of the said licence should be issued to them. The original Custom Copy of the licence is hereby cancelled.

Duplicate Custom Copy of the licence No. G/ST/2377978 dated 28-12-66 is being issued separately.

[No. STC/IIUN-53/66-67/RM-3/pt.222]
RAJINDRA SINGH, Dy. Chief Controller

उद्योग मंत्रालय

(औद्योगिक विकास विभाग)

नई दिल्ली, 6 अक्टूबर, 1979

का० आ० 3705.—केन्द्रीय सरकार, पेटेंट अधिनियम, 1970 (1970 का 39) की धारा 152 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के भूतपूर्व उद्योग और नागरिक पूर्ति मंत्रालय, (औद्योगिक विकास विभाग) की, भारत के राजपत्र, भाग 2, खण्ड 3, उपखण्ड (ii), तारीख 20 अगस्त, 1975 के पृष्ठ संख्या 3160 से 3162 तक पर प्रकाशित अधिसूचना का० आ० सं० 2819, तारीख 29 जुलाई, 1975 में निम्नलिखित और संशोधन करती है, अर्थात् :—

उक्त अधिसूचना में, “7 कर्नाटक” शीर्ष के नीचे, बंगलूर से संबंधित विद्यमान प्रविष्टियों के पश्चात्, निम्नलिखित अन्तःस्थापित किया जाएगा, अर्थात् —

“यथोक्त प्रादेशिक निदेशक, राष्ट्रीय उत्पादकता परिषद् ;
बंगलूर”

[सं० 8(10)/79-पी पी एन्ड सी]

मोहिन्दर सिंह, उप सचिव

MINISTRY OF INDUSTRY

(Department of Industrial Development)

New Delhi, the 6th October, 1979

S.O. 3705.—In exercise of the powers conferred by section 152 of the Patents Act, 1970 (89 of 1970), the Central Government hereby makes the following further amendment in the notification of the Government of India in the late Ministry of Industry and Civil Supplies (Department of Industrial Development), S. O. No. 2819, dated the 29th July, 1975, published in the Gazette of India, Part II, Section 3-Sub-section (ii), dated the 20th August, 1975 at pages 3160 to 3162, namely :—

In the said notification, under the heading “7 Karnataka” after the existing entries relating to Bangalore, the following shall be inserted, namely :—

“do- The Regional Director, National Productivity Council, Bangalore”.

[No. 8(10)/79-PP&C]
MOHINDER SINGH, Dy. Secy.

आदेश

नई दिल्ली, 30 अक्टूबर, 1979

का० आ० 3706.—केन्द्रीय सरकार, विकास परिषद् (प्रक्रियात्मक) नियम, 1952 के नियम 4 और 5 के साथ पठित उद्योग (विकास और विनियमन) अधिनियम, 1951 (1951 का 65) की धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के भूतपूर्व उद्योग और नागरिक पूर्ति मंत्रालय (औद्योगिक विकास विभाग) के, समय-समय पर यथा संशोधित, आदेश सं० का० आ० 2280-उ० वि० वि० अ०/6/3/75, तारीख 14 जुलाई, 1975 द्वारा नियुक्त ऐसे सदस्यों के स्थान पर, जिनकी पदावधि, समय के बीत जाने के कारण या अन्यथा, समाप्त हो गई है, निम्नलिखित व्यक्तियों को, राजपत्र में इस आदेश के प्रकाशन की तारीख से दो वर्ष की अवधि के लिए कार्बनिक रसायन के विनिर्माण या उत्पादन में लगे अनुसूचित उद्योगों के लिए विकास परिषद् के सदस्यों के रूप में नियुक्त करती है, अर्थात्—

कार्बनिक रसायन उद्योगों के लिए विकास परिषद्

1. श्री के० बी० रामानाथन, अध्यक्ष
सचिव, रसायन और उर्वरक विभाग,
पेट्रोलियम, रसायन और उर्वरक मंत्रालय ।
2. संयुक्त सचिव (पेट्रो रसायन), पेट्रोलियम विभाग,
पेट्रोलियम, रसायन और उर्वरक मंत्रालय ।
3. संयुक्त सचिव,
औद्योगिक विकास विभाग ।
4. डा० एस० पी० भट्टाचार्य,
उप महानिदेशक,
तकनीकी विकास महानिदेशक का कार्यालय,
नई दिल्ली ।
5. श्री एम० सत्यपाल,
सलाहकार (उद्योग और खनिज प्रभाग),
योजना आयोग, नई दिल्ली ।
6. डा० एस० डी० शुक्ल,
निदेशक, हार्कोर्ट बटलर औद्योगिक संस्थान,
कानपुर । -
7. डा० एस० बर्दारजन,
अध्यक्ष और प्रबन्ध निदेशक,
इण्डियन पेट्रो-केमिकल्स कार्पोरेशन लिमिटेड,
बड़ौदा, गुजरात ।
8. श्री पी० एन० देवराजन,
अध्यक्ष और प्रबन्ध निदेशक,
हिन्दुस्तान आर्गेनिक केमिकल्स लिमिटेड,
रसायनई (महाराष्ट्र) ।
9. डा० आर० एस० हमसागर,
प्रबन्ध निदेशक,
हिन्दुस्तान इन्सेक्टिसाइड्स लिमिटेड,
नई दिल्ली ।
10. डा० आर० बी० मित्रा,
उप निदेशक,
राष्ट्रीय रसायन प्रयोगशाला,
पुणे ।
11. प्रधान,
भारतीय रसायन विनिर्माता संस्था,
कलकत्ता ।

12. अध्यक्ष,
भारतीय नाशक कीटनाशक संस्था,
नई दिल्ली ।
13. प्रधान,
ग्रहिल भारतीय प्लास्टिक विनिर्माता संस्था,
मुम्बई ।
14. डा० एम० एम० शर्मा,
विभागध्यक्ष,
रसायन विभाग, मुम्बई विश्वविद्यालय ।
15. डा० के० अश्वर मूर्ति, सदस्य-सचिव
सलाहकार (रसायन),
रसायन और उर्वरक विभाग,
पेट्रोलियम, रसायन और उर्वरक मंत्रालय ।

2. केन्द्रीय सरकार, विकास परिषद् (प्रक्रियात्मक) नियम, 1952 के नियम 2 के खण्ड (ग) के अनुसरण में, रसायन और उर्वरक विभाग, नई दिल्ली के सलाहकार (रसायन), डा० के० अश्वर-मूर्ति को, उक्त विकास परिषद् के सदस्य-सचिव के रूप में नियुक्त करने के लिए, नियुक्त करती है ।

[सं० 8(9)/77/सी डी एन/उ० वि० वि०/6/4/78]
एस० श्रीरामन्, अवर सचिव

ORDER

New Delhi, the 30th October, 1979

S.O. 3706. In exercise of the powers conferred by section 6 of the Industries (Development and Regulation) Act, 1951, read with rules 2, 4 and 5 of the Development Councils (Procedural) Rules, 1952, the Central Government hereby appoints, for a period of two years with effect from the date of publication of this Order in the Official Gazette, the following persons to be members of Development Council for the Scheduled industries engaged in the manufacture or production of Organic Chemicals, in the place of the members appointed by the order of the Government of India in the late Ministry of Industry and Civil Supplies (Department of Industrial Development) No. S. O. 2280-IDRA/6/3/75 dated the 14th July, 1975 as amended from time to time, whose tenure of office has expired by efflux of time or otherwise, namely :—

Development Council for Organic Chemicals Industries

1. Shri K. V. Ramanathan, Chairman
Secretary,
Department of Chemicals and
Fertilizers,
Ministry of Petroleum, Chemicals &
Fertilizers.
2. Joint Secretary (Petro Chemicals),
Deptt. of Petroleum,
Ministry of Petroleum, Chemicals &
Fertilizers.
3. Joint Secretary
Deptt. of Industrial Development.
4. Dr. S. P. Bhattacharya,
Deputy Director General,
Office of the Director General of
Technical Development,
New Delhi.
5. Shri M. Satyapal,
Adviser (Industry and Minerals Division),
Planning Commission,
New Delhi.
6. Dr. S. D. Shukla,
Director,
Harcourt Butler Technological Institute,
Kanpur.

7. Dr. S. Vardarajan,
Chairman and Managing Director,
Indian Petro-Chemicals Corporation Ltd.,
Baroda, Gujarat.
8. Shri P. N. Devarajan,
Chairman and Managing Director,
Hindustan Organic Chemicals Ltd.,
Rasayanai (Maharashtra).
9. Dr. R. S. Hamsagar,
Managing Director,
Hindustan Insecticides Ltd.,
New Delhi.
10. Dr. R. B. Mitra,
Deputy Director,
National Chemical Laboratory,
Pune.
11. President,
Indian Chemical Manufacturers Association,
Calcutta.
12. Chairman,
Pesticides Association of India,
New Delhi.
13. President,
All India Plastic Manufacturers Association,
Bombay.
14. Dr. M. M. Sharma,
Head of Department,
Deptt. of Chemical Technology,
Bombay University.
15. Dr. K. Aghoramurthy, Member Secretary
Adviser (Chemicals),
Deptt. of Chemicals & Fertilizers,
Ministry of Petroleum, Chemicals & Fertilizers.

2. In pursuance of clause (c) of rule 2 of the Development Councils (Procedural) Rules, 1952, the Central Govt. hereby appoints Dr. K. Aghoramurthy, Adviser (Chemicals) Deptt. of Chemicals & Fertilizers, New Delhi, to carry on the functions of the Member Secretary to the said Development Council.

[No. 8(9)/77-CDN/IDRA/6/9/78]
S. SRIRAMAN, Under Secy.

पटसन उपायुक्त का कार्यालय

शुद्धि-पत्र

कलकत्ता, 27 अक्टूबर, 1979

का०आ० 3707.—दिनांक 27 सितम्बर, 1979 को अंग्रेजी में प्रकाशित पटसन उपायुक्त कलकत्ता अधिसूचना सं० का०आ० 552(ई), दिनांक 27 सितम्बर, 1979 की प्रथम अनुसूची में अधोलिखित संशोधन किया जाएगा :—

प्रथम अनुसूची में क्रम सं० 2 के स्तम्भ (2) की दूसरी लाइन में

को	पढ़ें
2-1/2 पीपड	2-1/4 पीपड

[का० सं० 8/1/79-जूट]

आर० एन० चक्रवर्ती, पटसन उपायुक्त

Office of the Jute Commissioner

CORRIGENDUM

Calcutta, the 27th October, 1979

S.O. 3707.—The following amendment shall be made in the First Schedule to the Deputy Jute Commissioner, Calcutta Notification No. S. O. 552 (E) dated the 27th September, 1979 in English published in the Gazette of India, Extraordinary Part II, Section 3, sub-section (ii) dated the 27th September, 1979 :—

In the First Schedule at serial No. 2 under column (2) at second line

For

2½ lbs.

Read

[F. No. 8/1/79 Jute]

2¼ lbs.

R. N. CHAKRABORTY, Dy. Jute Commissioner

पेट्रोलियम रसायन और उर्वरक मंत्रालय

(पेट्रोलियम विभाग)

नई दिल्ली, 10 अक्टूबर, 1979

कां०आ० 3708.—यतः पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम, रसायन और उर्वरक मंत्रालय (पेट्रोलियम विभाग) की अधिसूचना कां०आ० सं० 3552, तारीख 9-12-78 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के प्रयोजन के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइप लाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय इण्डियन आयल कारपोरेशन लि० में सभी बाधाओं से मुक्त रूप में इस घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

तहसील : अजमेर	जिला : अजमेर	राज्य : राजस्थान
	खसरा नं०	क्षेत्रफल
ग्राम	पुराना	नया हेक्टर ऐयर वर्ग मीटर
अमरगढ़	590	842 0 02 43
मावशिया	198	288 0 04 05
सुरजपुरा	387	459 0 09 71

[सं० 12020/4/78-प्रो०]

MINISTRY OF PETROLEUM, CHEMICALS AND FERTILIZER

(Department of Petroleum)

New Delhi, the 10th October, 1979

S.O. 3708.—Whereas by a notification of Government of India in the Ministry of Petroleum, Chemicals and Fertilizer (Department of Petroleum) S. O. 3552 dated 9-12-78 under Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) the Central Government declared its intention to acquire the Right of User in the lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under Sub-section (1) of Section 6 of the said Act submitted report to the Government.

And further the Central Government has after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification.

Now therefore in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipelines.

752 GI/79--2

And further in exercise of the power conferred by Sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vest on this date of the publication of this declaration in the Indian Oil Corporation Limited free from all encumbrances.

SCHEDULE

Tehsil : Ajmer	District : Ajmer	State : Rajasthan
Village	Khasra No.	Area
	Old New	H. A. Sq. M
Amargarh	590 842	0 02 43
Maavshya	198 288	0 04 05
Surajpura	387 459	0 09 71

[No. 12020/4/78-Prod.]

नई दिल्ली, 4 अक्टूबर, 1979

कां०आ० 3709.—यतः पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम, रसायन और उर्वरक मंत्रालय (पेट्रोलियम विभाग) की अधिसूचना कां०आ० सं० 969, तारीख 17-3-1979 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के प्रयोजन के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइप लाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय इण्डियन आयल कारपोरेशन लि० में सभी बाधाओं से मुक्त रूप में, इस घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

तहसील : रायपुर	जिला : पानी	राज्य : राजस्थान
	खसरा नं०	क्षेत्रफल
ग्राम		हे० ऐ० वर्ग मीटर
बर	516	0 01 62
	550/1634	0 04 04

[सं० 12020/1/79-प्रो० बी०]

New Delhi, the 4th October, 1979

S.O. 3709.—Whereas by a notification of Government of India in the Ministry of Petroleum, Chemicals and Fertilizer

(Department of Petroleum) S. O. 969 dated 17-3-1979 under Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) the Central Government declared its intention to acquire the Right of User in the lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under Sub-section (1) of Section 6 of the said Act submitted report to the Government.

And further the Central Government has after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification.

Now therefore in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipelines.

And further in exercise of the power conferred by Sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vest on this date of the publication of this declaration in the Indian Oil Corporation Limited free from all encumbrances.

SCHEDULE

Tehsil : Raipur	District : Pali	State : Rajasthan		
Village	Khasra No.	Area		
		H.	A.	Sq. M
Bar	516	0	01	62
	550/1634	0	04	04

[No. 12020/1/78-Prod.B]

नई दिल्ली, 18 अक्तूबर, 1979

कां.प्र. 3710.—यत् पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम, रसायन और उर्वरक मंत्रालय (पेट्रोलियम विभाग) की अधिसूचना कां.प्र. सं. 3143, तारीख 2-12-1978 द्वारा केन्द्रीय सरकार ने उस अधिसूचना में सलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों का बिछाने के प्रयोजन के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यत् सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यत् केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना में सलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करने हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में सलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइप लाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और, आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के अन्तर्गत इण्डियन आयल कॉर्पोरेशन लि० में सभी बाधाओं से सक्षम रूप में, इस घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

तहसील : अजमेर	जिला : अजमेर	राज्य : राजस्थान			
खसरा सं०		क्षेत्रफल			
ग्राम	हाल	भू० सं०	हेक्टर	एयर	वर्गमीटर
देराठू	2553	2724	0	01	21
	2553	2723	0	02	84
	2559	2709	0	04	04
	2564				
	2565				
	2566	2710	0	08	90
2553	2719	0	12	14	

[सं. 12020/16/76-प्रो. II]

New Delhi, the 18th October, 1979

S.O. 3710.—Whereas by a notification of Government of India in the Ministry of Petroleum, Chemicals and Fertilizer (Department of Petroleum) S. O. 3443 dated 2-12-1978 under Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) the Central Government declared its intention to acquire the Right of User in the lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under Sub-section (1) of Section 6 of the said Act submitted report to the Government.

And further the Central Government has after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification.

Now therefore in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipelines.

And further in exercise of the power conferred by Sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vest on this date of the publication of this declaration in the Indian Oil Corporation Limited free from all encumbrances.

SCHEDULE

Tehsil : Ajmer	District : Ajmer		State : Rajasthan		
Village	Khasra No.		Area		
	Old	New	H.	A.	Sq. M
Derathoo	2553	2724	0	01	21
	2553	2723	0	02	84
	2559	2709	0	04	04
	2564				
	2565				
	2566	2710	0	08	90
	2553	2719	0	12	14

[No. 12020/16/76-Prod.-Pt.II]

नई दिल्ली, 15 अक्टूबर, 1979

कां०आ० 3711.—यतः पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम, रसायन और उर्वरक मंत्रालय (पेट्रोलियम विभाग) की अधिसूचना कां०आ० सं० 3603, तारीख 16-12-78 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार की पाइप लाइनों को बिछाने के प्रयोजन के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइप लाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और, आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय इण्डियन प्रायल कारपोरेशन लि० में सभी बाधाओं से मुक्त रूप में, इस घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

तहसील : मालपुरा	जिला : टोंक	राज्य : राजस्थान
ग्राम	खसरा नं०	क्षेत्रफल
		हेक्टर ऐयर वर्गमीटर
किरावल	728	0 01 26

[सं० 12020/7/78-प्र०.]

New Delhi, the 15th October, 1979

S.O. 3711.—Whereas by a notification of Government of India in the Ministry of Petroleum, Chemicals and Fertilizer (Department of Petroleum) S. O. 3603 dated 16-12-1978 under Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act 1962 (50 of 1962) the Central Government declared its intention to acquire the Right of User in the lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under Sub-section (1) of Section 6 of the said Act submitted report to the Government.

And further the Central Government has after considering the said report, decided to acquire the right of user in the lands specified in the schedule appende to this notification.

Now therefore in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipelines.

And further in exercise of the power conferred by Sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vest on this date of the publica-

tion of this declaration in the Indian Oil Corporation Limited free from all encumbrances.

SCHEDULE

Tehsil : Malpura	District : Tonk	State : Rajasthan
Village	Khasra No.	Area
		H. A. Sq. M
Kirawal	728	0 01 26

[No. 12020/7/78-Prod.]

कां०आ० 3712.—यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और रसायन मंत्रालय (पेट्रोलियम विभाग) की अधिसूचना कां०आ० सं० 259, तारीख 2-1-79 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइपलाइनों को बिछाने के प्रयोजन के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय तेल और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

कूप नं० 55 से सी० टी० एफ० तक पाइपलाइन बिछाने के लिए

गांव	सर्वे नं०	हेक्टेयर एं चार ई	सेन्टीयर	
1	2	3	4	5
सरथा	1375/1	0	03	02
काटं ट्रेक	1376	0	54	00
काटं ट्रेक	1444	0	17	51
काटं ट्रेक	1445/1	0	02	94
काटं ट्रेक	1445/2	0	13	48
काटं ट्रेक	1445/2	0	08	06
काटं ट्रेक	1445/2	0	09	30
काटं ट्रेक	1438/2	0	05	19
काटं ट्रेक	1438/1	0	07	28
काटं ट्रेक	1423/2	0	12	40
काटं ट्रेक	1424	0	06	97

1	2	3	4	5
	1059/3	0	03	95
	1059/2	0	09	84
	1059/4	0	00	43
	1061/2	0	05	43
	1061/3	0	05	04
	1105	0	24	59
	1097/3	0	05	11
	1088/1	0	01	00
	1104	0	06	43
	1103/1	0	11	85
	1102/2	0	06	51
	1075/2	0	08	06
	1075/1	0	10	53
	1078/2	0	06	97
जिला. मेहसाना			तालुका : कलोल	
सईश	926/2	0	06	35
	926/1	0	04	49
	कार्ट ट्रैक	0	00	46
	927	0	09	84
	928	0	08	99
	929	0	01	78
	930	0	12	86
	931	0	16	20
	ब्लॉक			
धानज	64	0	05	19
	62	0	01	24
	59	0	11	47
	57	0	07	39
	56	0	13	54
	40	0	07	01
	39	0	07	13

[सं० 12016/22/78-प्रो०]

S.O. 3712.—Whereas by a notification of Government of India in the Ministry of Petroleum, S.O. No. 259 dated 2-1-79 under Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline;

And whereas the Competent Authority has under Sub-section (1) of Section 6 of the said Act submitted report to the Government.

And further whereas the Central Government has after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification.

Now therefore in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipelines.

And further in exercise of the power conferred by Sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vest on this date of the publication of the declaration in the Oil & Natural Gas Commission free from encumbrances.

SCHEDULE

Pipeline from Well No. 55 to C.T.F.

State : Gujarat

Village	Survey No.	Hec-tare	Are	Centiare
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DISTRICT & TALUKA : GANDHINAGAR

Sertha	1375/1	0	03	02
	Cart track	0	54	00
	1376	0	17	51
	Cart track	0	02	94
	1444	0	13	48
	1445/1	0	08	06
	1445/2	0	09	30
	1438/2	0	05	19
	1438/1	0	07	28
	1423/2	0	12	40
	1424	0	06	97
	1059/3	0	03	95
	1059/2	0	09	84
	1059/4	0	00	43
	1061/2	0	05	43
	1061/3	0	05	04
	1105	0	24	59
	1097/3	0	05	11
	1088/1	0	01	00
	1104	0	06	43
	1103/1	0	11	85
	1102/2	0	06	51
	1075/2	0	08	06
	1075/1	0	10	53
	1078/2	0	06	77

DISTRICT : MEHSANA TALUKA : KALOL

Saij	926/2	0	06	35
	926/1	0	04	49
	Cart track	0	00	46
	727	0	09	84
	928	0	08	99
	729	0	01	78
	930	0	12	86
	931	0	16	20
	Block No.			
Dhanaj	64	0	05	19
	62	0	01	24
	59	0	11	47
	57	0	07	39
	56	0	13	54
	40	0	07	01
	39	0	07	13

[No. 12016/22/78-Prod.]

कां० प्र० 3713.—यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि के उपयोग के अधिकार का अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और खनिज मंत्रालय (पेट्रोलियम विभाग) की अधिसूचना कां० प्र० सं० 257, तारीख 2-1-79 द्वारा केन्द्रीय सरकार ने उस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइपलाइनों को बिछाने के प्रयोजन के लिए अधिग्रहण करने का अपना आणख घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट वे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, यतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाठ्यसाधन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में विहित होने के बजाय तोन और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख से विहित होगा।

अनुसूची

क-48 से सी० टी० एफ० तक लाइन (पाइप) बिछाने के लिए

राज्य : गुजरात		जिला व तालुका : गांधी नगर		
गांव	ब्लॉक नं०	हेक्टर	ए. आर. ई. सेंटीयर	
टिटीडा	37/1	0	06	83
	कार्ट ट्रेक	0	01	00
	937/1	0	09	00
	936	0	08	02
	935	0	08	80
	609	0	09	75
	608	0	02	00
	610	0	14	93
	611	0	01	00
	612	0	15	65
मोपन राटोड	613/2	0	07	87
	613/1	0	15	75
	615/1	0	01	20
	615/2	0	06	97
	614	0	03	90
	कार्ट ट्रेक	0	00	60
	646	0	01	88
	कार्ट ट्रेक	0	01	72
	17	0	00	75
	16	0	09	53
	15	0	10	57
	13	0	01	65
	12	0	13	20
	11/2	0	08	02
	11/1	0	01	00
	22	0	01	25
	23	0	12	60
	25	0	07	35
	27	0	08	25
	29	0	10	05
	31/1	0	03	15
	33/1	0	09	75
	33/2	0	04	50
	244/1	0	34	50
	243	0	25	20

1	2	3	4	5
	242	0	10	00
	241	0	20	75
	कार्ट ट्रेक	0	01	22
	213	0	16	95
	210	0	01	75
	212	0	01	00
	211	0	12	07
	कार्ट ट्रेक	0	02	00
जिला : मेहसाना			तालुका : कर्नाल	
सईज	453/5	0	05	55
	453/4	0	05	64
	453/3	0	06	45
	449	0	19	28
	457	0	11	70
	कार्ट ट्रेक	0	00	53
	460	0	06	23
	461/2	0	01	00
	461/1	0	05	60
	501/2/ए	0	02	10
	501/2/बी	0	05	50
	501/1/बी	0	06	20
	501/1/सी	0	06	75
	496	0	01	87
	495	0	06	15
	497/2	0	14	16
	497/1/बी	0	08	50
	497/1/ए	0	04	80
	510/5	0	05	10
	510/4	0	00	50
	510/3	0	01	00
	553	0	05	10
	कार्ट ट्रेक	0	00	90
	548/2	0	02	70
	548/1	0	09	75
	548/3	0	06	90
	547/1	0	09	90
	547/2	0	07	25
	542	0	04	62
	547/3	0	06	22
	542	0	10	05
	547/5	0	04	50
	539/3	0	04	65
	कार्ट ट्रेक	0	01	27
	662/4	0	01	58
	662/3	0	05	77
	662/2	0	01	25
	662/7	0	01	00
	661/2	0	06	15
	661/1	0	07	50
	661/3	0	01	00
	660/1	0	10	57
	658	0	10	05
	494	0	03	00

S.O. 3713.—Whereas by a notification of the Government of India in the Ministry of Petroleum S.O. No. 257 dated 2-1-79 under Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline ;

And whereas the Competent Authority has under Sub-section (1) of Section 6 of the said Act submitted report to the Government.

And further whereas the Central Government has after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification.

Now therefore in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipelines.

And further in exercise of the power conferred by Sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vest on this date of the publication of this declaration in the Oil and Natural Gas Commission free from encumbrances.

SCHEDULE

Pipeline from K-48 to C.T.F.

State : Gujarat		District & Taluka : Gandhinagar		
Village	Block No.	Hec- tare	Are	Centi- tare
Titoda	37/1	0	06	83
	Cart track	0	01	00
	937/1	0	09	00
	936	0	08	02
	935	0	08	80
Bhoyan Rathod	609	0	09	75
	608	0	02	00
	610	0	14	93
	611	0	01	00
	612	0	15	65
	613/2	0	07	87
	613/1	0	15	75
	615/1	0	01	20
	615/2	0	06	97
	614	0	03	90
	Cart track	0	00	60
	646	0	01	88
	Cart track	0	01	72
	17	0	00	75
	16	0	09	53
	15	0	10	57
	13	0	01	65
	12	0	13	20
	11/2	0	08	02
	11/1	0	01	00
	22	0	01	25
	23	0	12	60
	25	0	07	35
	27	0	08	25
	29	0	10	05
	31/1	0	08	15
	33/1	0	09	75
	33/2	0	04	50
	244/1	0	34	50
	243	0	25	20
	242	0	10	00

1	2	3	4	5
	241	0	20	75
	Cart track	0	01	22
	213	0	16	95
	210	0	01	75
	212	0	01	00
	211	0	12	07
	Cart track	0	02	00
DISTRICT : MEHSANA TALUKA : KALOL				
	Survey No.			
Saij	453/5	0	05	55
	453/4	0	05	64
	453/3	0	06	45
	449	0	19	28
	457	0	11	70
	Cart track	0	00	53
	460	0	06	23
	461/2	0	01	00
	461/1	0	05	60
	501/2/A	0	02	10
	501/2/B	0	05	50
	501/1/D	0	06	20
	501/1/C	0	06	75
	496	0	01	87
	495	0	06	15
	497/2	0	14	16
	497/1/B	0	08	50
	497/1/A	0	04	80
	510/5	0	05	10
	510/4	0	00	50
	510/3	0	01	00
	553	0	05	10
	Cart track	0	00	90
	548/2	0	02	70
	548/1	0	09	75
	548/3	0	06	90
	547/1	0	09	90
	547/2	0	07	25
	542	0	04	62
	547/3	0	06	22
	542	0	10	05
	547/5	0	04	50
	539/2	0	04	65
	Cart track	0	01	27
	662/4	0	01	58
	662/3	0	05	77
	622/2	0	01	25
	662/7	0	01	00
	661/2	0	06	15
	661/1	0	07	50
	661/3	0	01	00
	660/1	0	10	57
	658	0	10	05
	494	0	03	00

[No. 12016/23/78.-Prod]

KIRAN CHADHA, Under Secy.

वित्तन और प्रोद्योगिकी विभाग

प्रारोह

नई दिल्ली, 26 अक्टूबर, 1979

का० प्र० 3714.—राष्ट्रपति, केन्द्रीय निधित सेवा (वर्गीकरण, नियंत्रण और अपील) नियम, 1965 के नियम 9 के उपनियम (2),

नियम 12 के उपनियम (2) के खण्ड (ख) और नियम 24 के उपनियम (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के विज्ञान और प्रौद्योगिकी विभाग के आदेश सं० का० आ० 1047, तारीख 24 फरवरी, 1976 में निम्नलिखित और संशोधन करने हैं, अर्थात्:—

उक्त आदेश की अनुसूची में,—

- (i) "भाग I—सामान्य केन्द्रीय सेवा, समूह 'ग' भारतीय सर्वेक्षण" में, क्रम सं० 2 में वर्णित पदों के सामने स्तम्भ (3) में, मख (ii) में, "या सहायक महासर्वेक्षक" शब्द अन्त में जोड़े जाएंगे;
- (ii) "भाग II—सामान्य केन्द्रीय सेवा, समूह 'घ' भारतीय सर्वेक्षण" में, क्रम सं० 2 में वर्णित पदों के सामने, स्तम्भ (3) में, मख (ii) में, "रजिस्ट्रार (महासर्वेक्षक का कार्यालय), बजट और लेखा अधिकारी (महासर्वेक्षक का कार्यालय)" शब्दों के स्थान पर "स्थापन और लेखा अधिकारी" शब्द रखे जाएंगे।

[सं० 23/4/79-एम० एम० पी०]
डी० तिवारी, डेस्क अधिकारी

DEPARTMENT OF SCIENCE AND TECHNOLOGY ORDER

New Delhi, the 26th October, 1979

S.O. 3714.—In exercise of the powers conferred by sub-rule (2) of rule 9, Clause (b) of sub-rule (2) of rule 12 and sub-rule (1) of rule 24 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, the President hereby makes the following further amendments in the order of the Government of India Department of Science and Technology No. S.O. 1047 dated the 24th February, 1976, namely:—

In the schedule of the said order—

- (i) in "Part-I-General Central Service-Group 'C', Survey of India", against the posts described at Serial No. 2, in column (3), in item (ii) the words "or the Assistant Survey or General" shall be added at the end;
- (ii) in "Part-II-General Central Service-Group 'D', Survey of India", against the posts described at Serial No. 2, in column (3), in item (ii), for the words "Registrars (Survey or General's Office) Budget and Accounts Officer (Surveyor General's Office)" the words "Establishment and Accounts Officer" shall be substituted.

[No. 23/4/79-SMP]
D. TEWARI, Desk Officer

MINISTRY OF STEEL, MINES & COAL

(Department of Steel)

CORRIGENDUM

New Delhi, the 24th October, 1979

S.O. 3715.—In the notification of the Government of India, Ministry of Steel, Mines & Coal (Department of Steel) No. S. O. 502(E)/ESS. COMM/IRON & STEEL-2A dated the 3rd September, 1979, in the Schedule, the word "iron and" should be inserted between the words "All categories of" and the word "steel".

[No. SC-8(1)/79-DIB]

K. SIVARAMAKRISHNAN, Jt. Secy.

कृषि और सिंचाई विभाग

(खाद्य विभाग)

आदेश

नई दिल्ली, 20 नवम्बर, 1979

का०आ० 3716—अतः केन्द्रीय सरकार ने खाद्य विभाग, क्षेत्रीय खाद्य निदेशालयों, उपाय निदेशालयों और खाद्य विभाग के वेतन तथा लेखा कार्यालयों द्वारा किए जाने वाले खाद्यान्नों के क्रय, भण्डारकरण, मचलन, परिवहन, वितरण तथा विक्रय के कृत्यों का पालन करना बन्द कर दिया है जो कि खाद्य निगम अधिनियम, 1964 (1964 का 37) की धारा 13 के अधीन भारतीय खाद्य निगम के कृत्य हैं।

और यतः खाद्य विभाग, क्षेत्रीय खाद्य निदेशालयों, उपाय निदेशालयों और खाद्य विभाग के वेतन तथा लेखा कार्यालयों में कार्य कर रहे और उपरिबर्णित कृत्यों के पालन में लगे निम्नलिखित अधिकारियों और कर्मचारियों ने केन्द्रीय सरकार के तारीख 16 अप्रैल, 1971 के परिपत्र के प्रत्युत्तर में उगमें विनिर्दिष्ट तारीख के अन्तर भारतीय खाद्य निगम के कर्मचारी न बनने के अपने आशय को उक्त अधिनियम की धारा 12-ए की उपधारा (1) के परन्तुक द्वारा यथा अपेक्षित सूचना नहीं दी है।

अतः, अतः, खाद्य निगम अधिनियम, 1964 (1964 का 37) यथा अद्यतन संशोधित की धारा 12-ए द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा निम्नलिखित कर्मचारियों को प्रत्येक के नामने दी गई तारीख से भारतीय खाद्य निगम में स्थानान्तरित करती है:—

क्रम सं०	अधिकारी/कर्मचारियों का नाम	केन्द्रीय सरकार के अधीन स्थायी पद	स्थानान्तरण के समय केन्द्रीय सरकार के अधीन पद	भारतीय खाद्य निगम को स्थानान्तरण की तारीख
1	2	3	4	5
	सर्वश्री			
1.	आर० आर० पाट्टा	तौल लिपिक	कनिष्ठ गोदाम रखक	1-3-69
2.	सी० एम० फिलिपस	—वही—	वरिष्ठ गोदाम रखक	—वही—
3.	ए० एम० शेहरा	—	गोदाम क्लर्क	—वही—
4.	इन्द्र सिंह जी० मोहन	गोदाम क्लर्क	—वही—	—वही—
5.	एच० एन० भारती	तकनीकी सहायक	तकनीकी सहायक	—वही—
6.	बी० गोपीनाथन	कनिष्ठ गोदाम रखक	वरिष्ठ गोदाम रखक	—वही—

1	2	3	4	5
7. गजग सिंह नेगी	—	—	—वही—	1-3-1969
8. बी० चिदाम्बरम	गुण निरीक्षक	गुण निरीक्षक	गुण निरीक्षक	—वही—
9. श्री० राधाकृष्णन	वरिष्ठ गोदाम रक्षक	—वही—	—वही—	—वही—
10. रवीन्द्र सिंह	—	गोदाम क्लर्क	—वही—	—वही—
11. डी० के० राजपूत	—	—वही—	—वही—	—वही—
12. जेहन लाल	स्टीचर	स्टीचर	—वही—	—वही—
13. भार० सी० श्रीवास्तव	—	गोदाम क्लर्क	—वही—	—वही—
14. जी० सी० अग्रवाल	—	—वही—	—वही—	—वही—
15. जिते सिंह	—	—वही—	—वही—	—वही—
16. परबोत्तम राम	—	—वही—	—वही—	—वही—
17. रावत सिंह रावत	—	कनिष्ठ गोदाम रक्षक	—वही—	—वही—
18. राजेश सिंह	—	गोदाम क्लर्क	—वही—	—वही—
19. राजेश सिंह रावत	—	कनिष्ठ गोदाम रक्षक	—वही—	—वही—
20. धनी राम भारती	गुण निरीक्षक	गुण निरीक्षक	—वही—	—वही—
21. हरि सिंह	—	गोदाम क्लर्क	—वही—	—वही—
22. प्रकाश सिंह	तकनीकी सहायक	तकनीकी सहायक	—वही—	—वही—
23. बन्धराज शर्मा	तैल लिपिक	कनिष्ठ गोदाम रक्षक	—वही—	—वही—
24. केशवा तन्द	आयल मैन्	आयल मैन्	—वही—	—वही—
25. जगदीर सिंह	वरिष्ठ गोदाम रक्षक	वरिष्ठ गोदाम रक्षक	—वही—	—वही—
26. अनीरुध राम	गोदाम क्लर्क	कनिष्ठ गोदाम रक्षक	—वही—	—वही—
27. जवाहर प्रसाद	वरिष्ठ गोदाम रक्षक	वरिष्ठ गोदाम रक्षक	—वही—	—वही—
28. रतन लाल	गोदाम क्लर्क	कनिष्ठ गोदाम रक्षक	—वही—	—वही—
29. सरूप सिंह	वरिष्ठ गोदाम रक्षक	वरिष्ठ गोदाम रक्षक	—वही—	—वही—
30. प्रेम लाल तलवार	गुण निरीक्षक-I	गुण निरीक्षक-I	—वही—	—वही—
31. खेम चन्द	गोदाम क्लर्क	—वही—	—वही—	—वही—
32. भार० के० महाजन	वरिष्ठ गोदाम रक्षक	—वही—	—वही—	—वही—
33. एल० एस० जीना	तकनीकी सहायक	तकनीकी सहायक	—वही—	—वही—
34. प्रसाद सिंह	सहायक विश्लेषक	सहायक-विश्लेषक-II	—वही—	—वही—
35. गियात सिंह	गोदाम क्लर्क	गोदाम क्लर्क	—वही—	—वही—
36. रोशन लाल	गे० प्रापरेटर	अ० श्रे० लि०	—वही—	—वही—
37. कृष्ण कुमार श्रीवास्तव	प्रधूमन सहायक	तकनीकी सहायक-I	—वही—	—वही—
38. सत पाव भाटिया	तैल लिपिक	तैल लिपिक	—वही—	—वही—
39. करण बहादुर	वाचमैन	वाचमैन	—वही—	—वही—
40. लाल बहादुर	—वही—	—वही—	—वही—	—वही—
41. बलजीत	स्वीपर	स्वीपर	—वही—	—वही—
42. डी० डी० मरबाह	वरिष्ठ लिपिक	सहायक प्रधीक्षक	—वही—	—वही—
43. सुखदेव सिंह कंवर	वरिष्ठ लिपिक	वरिष्ठ लिपिक	—वही—	—वही—
44. कृष्ण लाल शर्मा	कनिष्ठ लिपिक	कनिष्ठ लिपिक	—वही—	—वही—
45. नन लाल रेखी	कनिष्ठ गोदाम रक्षक	गुण निरीक्षक-I	—वही—	—वही—
46. पुरबोत्तम राम	तैलने वासा	गोदाम प्रधीक्षक	—वही—	—वही—
47. बी० किशोर	गोदाम क्लर्क	गोदाम क्लर्क	—वही—	—वही—
48. केहर सिंह	टैली क्लर्क	कनिष्ठ गोदाम रक्षक	—वही—	—वही—
49. सत्य पाल महाजन	कनिष्ठ गोदाम रक्षक	गुण निरीक्षक-I	—वही—	—वही—
50. एस० एस० अग्रवाल	निरीक्षक	गुण निरीक्षक-II	—वही—	—वही—
51. राम पानि कपूर	गोदाम क्लर्क	कनिष्ठ गोदाम रक्षक	—वही—	—वही—
52. बाबू राम शुक्ला	गोदाम लिपिक	कनिष्ठ गोदाम रक्षक	—वही—	—वही—
53. भुरिन्द्र कुमार उज्जल	कनिष्ठ गोदाम रक्षक	गुण निरीक्षक-I	—वही—	—वही—
54. त्रिवेणी सहाय	सहायक विश्लेषक	सहायक विश्लेषक	—वही—	—वही—
55. प्रभू	वाचमैन	हैड वाचमैन	—वही—	—वही—
56. राम नारायण	तैलने वाला	गोदाम क्लर्क	—वही—	—वही—

1	2	3	4	5
57.	खराली लाल	गोदाम क्लर्क	कनिष्ठ निधिक	-वही-
58.	टी० एस० बत्रा	वरिष्ठ गोदाम रक्षक	वरिष्ठ गोदाम रक्षक	-वही-
59.	भीम सैध गाहो	गोदाम क्लर्क	कनिष्ठ गोदाम रक्षक	-वही-
60.	एच० सी० डोगरा	-वही-	कनिष्ठ गोदाम रक्षक	-वही-
61.	होरी लाल	स्वीपर	इस्टिंग म्हापरेटर	-वही-
62.	चमन लाल वर्मा	गोदाम क्लर्क	कनिष्ठ गोदाम रक्षक	-वही-

[संख्या 52/1/79-एफ० सी० III (वाल्चम-4)]

बचशी राम, उप सचिव

(Department of Food)

ORDER

New Delhi, the 20th September, 1979

S.O. 3716.—Whereas the Central Government has ceased to perform the functions of purchase, storage, movement, transport, distribution and sale of foodgrains done by the Department of Food, the Regional Directorates of Food, the Procurement Directors and the Pay & Accounts Offices of the Department of Food which under Section 13 of Food Corporations Act, 1964 (37 of 1964) are the functions of the Food Corporation of India;

And whereas the following officers and employees serving in the Department of Food, the Regional Directorate of Food, the Procurement Directorates and the Pay & Accounts Offices of the Department of Food and engaged in the performance of the functions mentioned above have not, in response to the Circular of the Central Government dated the 16th April, 1971 intimated, within the date specified therein, their intention of not becoming employees of the Food Corporation of India as required by the proviso to sub-Section (I) of Section 12A of the said Act;

Now, therefore, in exercise of the powers conferred by Section 12A of the Food Corporations Act, 1964 (37 of 1964) as amended upto date the Central Government hereby transfer the following officers and employees to the Food Corporation of India with effect from the date mentioned against each of them.

S. No.	Name of the officer/employees	Permanent post held under the Central Govt.	Post held under the Central Govt. at the time of transfer	Date of transfer to the F.C.
1	2	3	4	5
	S/Shri.			
1.	R.R. Palta	Weightment Clerk	Jr. Godown Keeper	1-3-69
2.	C.M. Philipose	-Do-	Sr. Godown Keeper	-Do-
3.	A.S. Sehra	—	Godown Clerk	-Do-
4.	Inder Singh G. Sohani	Godown Clerk	-Do-	-Do-
5.	H.N. Bharti	Technical Assistant	Technical Assistant	-Do-
6.	V. Gopinathan	Jr. Godown Keeper	Sr. Godown Keeper	-Do-
7.	Gabar Singh Negi	—	-Do-	-Do-
8.	V. Chidambaram	Quality Inspector	Quality Inspector	-Do-
9.	G. Radhakrishnan	Sr. Godown Keeper	-Do-	-Do-
10.	Svinder Singh	—	Godown Clerk	-Do-
11.	D.K. Rajput	—	-Do-	-Do-
12.	Roshan Lal	Stitcher	Stitcher	-Do-
13.	R.C. Srivastava	—	Godown Clerk	-Do-
14.	G.C. Aggarwal	—	-Do-	-Do-
15.	Zile Singh	—	-Do-	-Do-
16.	Parshotam Ram	—	-Do-	-Do-
17.	Rawat Singh Rawat	—	Jr. Godown Keeper	-Do-
18.	Rajinder Singh	—	Godown Clerk	-Do-
19.	Rajinder Singh Rawat	—	Jr. Godown Keeper	-Do-
20.	Dhani Ram Bharti	Quality Inspector	Quality Inspector	-Do-
21.	Hari Singh	—	Godown Clerk	-Do-
22.	Prakash Singh	Technical Assistant	Technical Assistant	-Do-
23.	Balraj Sharma	Weightment Clerk	Jr. Godown Keeper	-Do-
24.	Keshwa Nand	Oil Man	Oil Man	-Do-

1	2	3	4	5
25. Jagir Singh	.	Sr. Godown Keeper	Sr. Godown Keeper	1-3-69
26. Anrud Ram	.	Godown Clerk	Jr. Godown Keeper	-Do-
27. Jawahar Prasad	.	Sr. Godown Keeper	Sr. Godown Keeper	-Do-
28. Rattan Lal	.	Godown Clerk	Jr. Godown Keeper	-Do-
29. Sarup Singh	.	Sr. Godown Keeper	Sr. Godown Keeper	-Do-
30. Prem Lal Talwar	.	Quality Inspector-I	Quality Inspector-I	-Do-
31. Khem Chand	.	Godown Clerk	-Do-	-Do-
32. R.K. Mahajan	.	Sr. Godown Keeper	-Do-	-Do-
33. L.S. Jina	.	Technical Assistant	Technical Assistant-I	-Do-
34. Pralad Singh	.	A. Analyser	A. Analyser-II	-Do-
35. Giat Singh	.	Godown Clerk	Godown Clerk	-Do-
36. Roshan Lal	.	G. Operator	L.D.C.	-Do-
37. Krishan Kumar Srivastava	.	Fumigation Assistant	Technical Assistant-I	-Do-
38. Sat Pal Bhatia	.	Weighment Clerk	Weighment Clerk	-Do-
39. Karan Bahadur	.	Watchman -	Watchman	-Do-
40. Lal Bahadur	.	-Do-	-Do-	-Do-
41. Baljit	.	Sweeper	Sweeper	-Do-
42. D.D. Marwah	.	Sr. Clerk	Assistant Supdt.	-Do-
43. Sukhdev Singh Kanwar	.	Sr. Clerk	Sr. Clerk	-Do-
44. Krishan Lal Sharma	.	Jr. Clerk	Jr. Clerk	-Do-
45. Nan Lal Rekhi	.	Jr. Godown Keeper	Quality Inspector-I	-Do-
46. Parshotam Ram	.	Weighman	Godown Supdt.	-Do-
47. B. Kishore	.	Godown Clerk	Godown Clerk	-Do-
48. Keher Singh	.	Tally Clerk	Jr. Godown Keeper	-Do-
49. Satya Pal Mahajan	.	Jr. Godown Keeper	Quality Inspector-I	-Do-
50. S.S. Aggarwal	.	Inspector	Quality Inspector-II	-Do-
51. Ram Pal Kapoor	.	Godown Clerk	Jr. Godown Keeper	-Do-
52. Babu Ram Shukla	.	-Do-	-Do-	-Do-
53. Surinder Kumar Uppal	.	Jr. Godown Keeper	Quality Inspector-I	-Do-
54. Trivani Sahai	.	A. Analyser	A. Analyser	-Do-
55. Prabhu	.	Watchman	Head Watchman	-Do-
56. Ram Narain	.	Weighman	Godown Clerk	-Do-
57. Kharati Lal	.	Godown Clerk	Jr. Clerk	-Do-
58. T.S. Batra	.	Sr. Godown Keeper	Sr. Godown Keeper	-Do-
59. Bhim Sain Gaddi	.	Godown Clerk	Jr. Godown Keeper	-Do-
60. H.C. Dogra	.	-Do-	Jr. Godown Keeper	-Do-
61. Dori Lal	.	Sweeper	Dusting Operator	-Do-
62. Chaman Lal Verma	.	Godown Clerk	Sr. Godown Keeper	-Do-

[No.52/1/79-FC.III(Vol.IV)]

BAKHSI RAM, Dy. Secy.

कृषि तथा सिंचाई मंत्रालय**(कृषि और सहकारिता विभाग)**

नई दिल्ली, 23 अक्टूबर, 1979

का. आ. 3717.—बहु-एकक सहकारी सोसाइटी अधिनियम, 1942 (1942 का 6) की धारा 4 की उपधारा (1) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के भूतपूर्व वाणिज्य, नागरिक पूर्ति और सहकारिता मंत्रालय (नागरिक पूर्ति और सहकारिता विभाग) की अधिसूचना संख्या एल-11011/49/75-विधि तथा प्रबंध तारीख 30-1-1979 को अधिकांत करते हुए केन्द्रीय सरकार कृषि तथा सिंचाई मंत्रालय (कृषि और सहकारिता विभाग) में संयुक्त सचिव श्रीमती एस. सत्यभामा को सहकारी सोसाइटीयों के केन्द्रीय रजिस्ट्रार के रूप में एतद्वारा नियुक्त करती है।

[सं. एल.-11011/49/75-विधि तथा प्रबंध]
तिलक राज त्रेहन, अवर सचिव

MINISTRY OF AGRICULTURE AND IRRIGATION**(Department of Agriculture and Cooperation)**

New Delhi, the 23rd October, 1979

S.O. 3717.—In exercise of the powers conferred by sub-section (1) of Section 4 of the Multi-unit Cooperative Societies Act, 1942 (VI of 1942) and in supersession of the Notification of the Government of India erstwhile Ministry of Commerce, Civil Supplies and Cooperation (Department of Civil Supplies and Cooperation) No. L-11011/49/75-L&M dated 30-1-1979, the Central Government hereby appoint Smt. S. Satyabhama, Joint Secy in the Ministry of Agriculture and Irrigation (Department of Agriculture and Cooperation) as the Central Registrar of Cooperative Societies.

[No. L-11011/49/75-L&M]
T. R. TREHAN, Under Secy.

(कृषि अनुसंधान और शिक्षा विभाग)

दिल्ली, 17 अक्टूबर, 1979

का० घा० 3718—भारतीय कृषि अनुसंधान परिषद द्वारा बनायी गयी स्थायी वित्त समिति की नियमावली के विनियम 2(4) के अनुसर्जन में तथा ए० पी० उपकर अधिनियम, 1940 के प्रावधान की धारा 7(2) में निहित व्यवस्था के अनुसर्जन में, भारतीय कृषि अनुसंधान परिषद के भारती निकाय द्वारा निकाय के निम्नलिखित सदस्य का दिनांक 22 अगस्त, 1979 से एक वर्ष का अवधि के लिए भ्रष्टाचर जब तक उनके उत्तराधिकारियों का निवाय द्वारा विधिवत निर्वाचन न हो, इनमें से जा भी वाद में हो, तब तक के लिए उन्हें परिषद की स्थायी वित्त समिति का सदस्य चुन लिया गया है —

1. श्री सुजान सिंह,
राज्य सेवा सदस्य
सुजान सिंह पार्क, सोनेपत (हरियाणा)
2. डा० एम० आर० खंडा,
194-बी क्लोमेंट टाऊन,
पोस्ट आफिस रोड, देहरादून-249002.
3. डा० किशन सिंह,
निदेशक, भारतीय गन्ना अनुसंधान संस्थान,
पी० आ० विलकुशा, लखनऊ-226002
4. डा० ईश्वर भाई जे० पटेल, उप-कुलपति,
गुजरात कृषि विश्वविद्यालय,
शाही बाग, बगला नं० 6, अहमदाबाद-380004 (गुजरात)
5. श्रीमती जया अनुणाचलम,
विद्या भारती
श्रीमसेना गार्डन रोड,
मैलापुर, मद्रास-600004.
6. कर्नल अश्वर मिह,
गोव तथा डा० सोहन,
त्रिला अनुसंधान (पंजाब)
7. श्री गदाधर गिरि
एम० एल० ए०,
10/2, डी० एम० यूनिट 4, भुवनेश्वर (उड़ीसा)

[सं० 2(1)/79-सी०पी०एन०-1]

एम० आर० जिवल, प्रवर सचिव

(Department of Agriculture Research and Education)

New Delhi, the 17th October, 1979

S.O. 3718.—In pursuance of Regulation 2(iv) of the Standing Finance Committee Regulations framed by the Indian Council of Agricultural Research and in pursuance of provision contained in Section 7(2) of the A.P. Cess Act, 1940, the following members of the Governing Body of the ICAR have been elected by that Body to be members of the Standing Finance Committee for a period of one year with effect from the 22nd August, 1979 or still such time thereafter as their successors are duly elected whichever is later :—

1. Shri Sujana Singh,
Member, Rajya Sabha,
Sujana Singh Park, Sonapat (Haryana).
2. Dr. M. R. Dhanda,
194-B Clement Town,
Post Office Road, Dehradun-248002.
3. Dr. Kishan Singh,
Director, Indian Institute of Sugarcane Research,
P.O. Dilkusha, Lucknow-226002.

4. Dr. Ishwarbhai J. Patel,
Vice-Chancellor,
Gujarat Agricultural University,
Shahi Bagh, Bunglow No. 6, Ahmedabad-380004
(Gujarat).
5. Smt. Jaya Arunachalam
Vidya Bharati
55, Bhemesena Garden Road,
Mylapore, Madras-600004.
6. Col. Achhar Singh,
Village & P.O. Sohail,
District Amritsar (Punjab).
7. Shri Gadadhar Giri
M.L.A.,
10/2, D.S. Unit 4, Bhubneshwar (Orissa).

[No. 2(1)/79-CDN. I]

M. R. JINDAL, Under Secy.

ग्रामीण पुनर्निर्माण मंत्रालय

भारत

नई दिल्ली, 25 सितंबर, 1979

का० घा० 3719—केन्द्रीय सरकार, आवश्यक वस्तु अधिनियम, 1955 (1955 का 10) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए शीत संग्रहागार आदेश, 1964 में और संशोधन करने के लिए निम्नलिखित आदेश करती है, अर्थात् —

- (1) इस आदेश का नाम शीतागार (चतुर्थ संशोधन) आदेश, 1979 है।
- (2) यह राजपत्र में प्रकाशन की तारीख से प्रवृत्त होगा।
2. शीत संग्रहागार आदेश, 1964 के खण्ड 1 के, उपखण्ड (1क) में "पश्चिमी बंगाल और उत्तर प्रदेश राज्य के सिवाय" शब्दों के स्थान पर "पश्चिमी बंगाल, उत्तर प्रदेश, पंजाब और हरियाणा राज्य के सिवाय" शब्द रखे जाएंगे।

[सं० 15-2/79-ए० एम०]

प्रकाश चन्द्र, प्रवर सचिव

MINISTRY OF RURAL RECONSTRUCTION**ORDER**

New Delhi, the 25th September, 1979

S.O. 3719.—In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following Order further to amend the Cold Storage Order, 1964, namely :—

1. (1) This order may be called the Cold Storage (Fourth Amendment) Order, 1979.

(2) It shall come into force on the date of its publication in the Official Gazette.

2. In clause 1 of the Cold Storage Order, 1964, in sub-clause (1A), for the words "except the State of West Bengal and Uttar Pradesh," the words "except the States of West Bengal, Uttar Pradesh, Punjab and Haryana" shall be substituted.

[No. F. 15-2/79-AM]

PARKASH CHANDER, Under Secy.

निर्माण और आवास मंत्रालय

नई दिल्ली, 26 अक्टूबर, 1979

का० घा० 3720—शोक परिसर (अनधिकृत दखलदारों की बेवजहली) नियमावली, 1971 के नियम 6 के अनुसर्जन में तथा भारत सरकार, निर्माण और आवास मंत्रालय की दिनांक 20 फरवरी, 1976 की अधिसूचना संख्या का० घा० 1052 का अधिक्रमण करते हुए केन्द्रीय सरकार निम्नलिखित शारणी के स्तम्भ 2 में विनिर्दिष्ट शोक परिसरों से संबंधित किसी सम्पदा अधिकारी के समक्ष लम्बित किसी मामले को किसी ऐसे अन्य सम्पदा अधिकारी

की मन्तरित करने हेतु उक्त सारणी के स्तम्भ 1 में उल्लिखित राजपत्रित अधिकारी को प्राधिकृत करती है।

सारणी

राजपत्रित अधिकारी	लोक परिसर
1	2
आयुक्त (भूमि) विकास प्राधिकरण से संबंधित परिसर दिवंगत विकास प्राधिकरण और अन्य ऐसे परिसर जो केन्द्रीय सरकार से संबंधित हैं तथा उक्त प्राधिकरण द्वारा नियंत्रित अथवा प्रबंधित किए जाते हैं।	

[फा० सं० के०-11011/33/79-डी०डी० 1ए०]
जे० ए० समद, प्रवर सचिव

MINISTRY OF WORKS & HOUSING

New Delhi, the 26th October, 1979

S.O. 3720—In pursuance of rule 6 of the Public Premises (Eviction of Unauthorised Occupants) Rules, 1971 and in supersession of the notification of Government of India in the Ministry of Works & Housing No. S.O. 1052, dated the 20th February, 1976, the Central Government hereby authorises the Gazetted Officer mentioned in Column 1 of the Table below to transfer any proceedings pending before an Estate Officer and pertaining to public premises specified in Column 2 of the said Table, for disposal to any other Estate Officer competent to dispose of the same.

TABLE

Gazetted Officer	Public Premises
1	2
The Commissioner (Land), Delhi Development Authority.	Premises belonging to the Delhi Development Authority and such other premises belonging to the Central Government as are controlled or managed by the said Authority.

[No. K-11011/33/79-DDIA]
J. A. SAMAD, Under Secy.

संपदा निवेशालय

नई दिल्ली, 23 अक्टूबर, 1979

फा० सं० 3721.—केन्द्रीय सरकार, सरकारी स्थान (अनधिकृत अधिभोगियों की बेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारत सरकार के स्वास्थ्य और परिवार नियोजन तथा निर्माण आवास और ग्रामीण विकास मंत्रालय (निर्माण, आवास और ग्रामीण विकास विभाग की अधिसूचना सं० फा० सं० 1192 तारीख 17 मार्च, 1969 में निम्नलिखित संशोधन करती है अर्थात्:—

उक्त अधिसूचना के नीचे सारणी में, स्तम्भ 1 और 2 में विद्यमान प्रविष्टियों के स्थान पर क्रमशः निम्नलिखित प्रविष्टियाँ रखी जाएंगी अर्थात्:—
स्तम्भ (1): “प्रबंध निदेशक, हिन्दुस्तान प्रीफेब लिमिटेड, नई दिल्ली”
स्तम्भ (2): “सरकारी स्थान जो हिन्दुस्तान प्रीफेब लिमिटेड, नई दिल्ली” के स्वामित्व में है या जिन्हें उसने अर्जित किया है या किराए पर लिया है”।

[फा० सं० 21011/4/79-पोल(III)]
कृष्ण चन्दर, उप निदेशक, संपदा

Directorate of Estates

New Delhi, the 23rd October, 1979

S.O. 3721.—In exercise of the powers conferred by section 3, of the public premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby makes the following amendments to the notification of the Government of India in the Ministry of Health and Family Planning and Works, Housing and Urban Development (Department of Works, Housing and Urban Development) No. S.O. 1192, dated the 17th March, 1969, namely:—

In the Table below the said notification, for the existing entries in columns 1 and 2, the following entries respectively shall be substituted, namely:—

Column (1): “Managing Director, Hindustan Prefab Limited, New Delhi”.

Column (2): “Public Premises owned or acquired or hired by the Hindustan Prefab Limited, New Delhi.”

[F. No. 21011(4)/79-Pol/III]

KRISHAN CHANDER, Dy. Director of Estates (R&P)

नई दिल्ली, 27 अक्टूबर, 1979

फा० सं० 3722.—राष्ट्रपति मूल नियमों के नियम 45 के उप-बंधों के अनुसरण में, नासिक, कोयम्बटूर, कोरटी, अलीगढ़, नीलोखेड़ी, संतरागाछी (हावड़ा), रिग रोड, नई दिल्ली, फरीदाबाद और गंगटोक स्थित भारत सरकार प्रेस में नियोजित अधिकारियों को सरकारी निवासों का आर्बटन नियम, 1972 में और संशोधन करने के लिए निम्नलिखित नियम बनाते हैं, अर्थात्:—

1. (1) इन नियमों का नाम नासिक, कोयम्बटूर, कोरटी, अलीगढ़, नीलोखेड़ी, संतरागाछी (हावड़ा), रिग रोड, नई दिल्ली, फरीदाबाद और गंगटोक स्थित भारत सरकार मुख्यालय, में नियोजित अधिकारियों को सरकारी निवासों का आर्बटन (संशोधन) नियम, 1979 है।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. नासिक, कोयम्बटूर, कोरटी, अलीगढ़, नीलोखेड़ी, संतरागाछी (हावड़ा), रिग रोड, नई दिल्ली, फरीदाबाद और गंगटोक स्थित भारत सरकार मुख्यालय में नियोजित अधिकारियों को सरकारी निवासों का आर्बटन नियम, 1972 में,—

(1) नियम 4 के नीचे की सारणी के स्थान पर निम्नलिखित सारणी रखी जाएगी, अर्थात्:—

“सारणी

प्रकार	बेतन सीमा (प्रतिमास)
क	259 रु० तक
ख	260 रु० से 499 रु० तक
ग	500 रु० से 999 रु० तक
घ	1000 रु० से 1499 रु० तक
ङ	1500 रु० और उससे अधिक
	(यदि इसका बेतन पाने वाला कोई अधिकारी नहीं है तो यह निवास मुख्यालय के प्रधान की आर्बटन किया जाएगा);”

(2) नियम 12 को पुनः संख्यांकित करके 12(1) कर दिया जाएगा और इस प्रकार पुनः संख्यांकित उपनियम (1) के पश्चात् निम्नलिखित उपनियम अन्तःस्थापित किया जाएगा, अर्थात्:—

“(2) उपनियम (1) के अधीन निवास प्रस्थापित करने वाले अधिकारी को ऐसे अभ्यर्पण की तारीख से एक वर्ष की अवधि तक उसी स्टेशन पर सरकारी आवास के आवंटन के लिए विचार में नहीं लिया जाएगा।”

[फा० सं० डी-11014/2/77-मुद्रण]

बी० एम० टंडन, डेस्क ऑफिसर

New Delhi, the 27th October, 1979

S.O. 3722.—In pursuance of the provisions of rule 45 of the Fundamental Rules, the President hereby makes the following rules further to amend the Allotment of Government Residences to officers employed in Government of India Presses located at Nasik, Coimbatore, Koratty, Aligarh, Nilokheri, Santagachi (Howrah), Ring Road, New Delhi, Faridabad and Gangtok Rules, 1972, namely:—

1. (1) These rules may be called the Allotment of Government Residences to officers employed in Government of India Presses located at Nasik, Coimbatore, Koratty, Aligarh, Nilokheri, Santagachi (Howrah), Ring Road, New Delhi, Faridabad and Gangtok (Amendment) Rules, 1979.

(2) They shall come into force on the date of their publication in the Official Gazette.

2 In the Allotment of Government Residences to officers employed in Government of India Presses located at Nasik, Coimbatore, Koratty, Aligarh, Nilokheri, Santagachi (Howrah), Ring Road, New Delhi, Faridabad and Gangtok Rules, 1972,—

(i) for the Table under rule 4, the following Table shall be substituted, namely:—

“TABLE

Type	Pay Range (per mensem)
A	Up to Rs. 250/-
B	Rs. 260/- to Rs. 499/-
C	Rs. 500/- to Rs. 999/-
D	Rs. 1000/- to Rs. 1499/-
E	Rs. 1500/- and above.

(In case there is no officer drawing this pay, the Head of the Press will be allotted this house);”

(ii) rule 12 shall be renumbered as sub-rule (1) thereof and after sub-rule (1) as so renumbered, the following sub-rule shall be inserted, namely:—

“(2) An officer who surrenders the residence under the sub-rule (1) shall not be considered again for allotment of Government accommodation at the same station for a period of one year from the date of such surrender.”

[F. No. D-11014/2/77-P(t).]
B. S. TANDON, Desk Officer

पूर्ति और पुनर्वास मंत्रालय

(पुनर्वास विभाग)

नई दिल्ली, 9 अक्टूबर, 1979

फा० सं० 3723.—विस्थापित व्यक्ति (प्रतिकर तथा पुनर्वास) अधिनियम, 1954 (1954 का 44) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार इसके द्वारा बिहार सरकार के राजस्व और भूमि सुधार विभाग के संयुक्त सचिव श्री नरेश चन्द्र नारायण को, संयुक्त सचिव के रूप में उनके अपने कार्यों के प्रतिनिधित्व, बिहार राज्य में मुद्रावजा पूल के भाग की भूमियों और सम्पत्तियों के संबंध में, उक्त अधिनियम द्वारा या उसके अधीन बंदोबस्त आयुक्त को सौंपे गए कार्यों को निष्पादित करने के लिए बंदोबस्त आयुक्त के रूप में नियुक्त करती है।

2. यह अधिसूचना दिनांक 9-1-1979 की अधिसूचना संख्या 1 (1) वि० सं० 79-एस० एस०-II (vii) का प्रतिक्रमण करती है।

[सं० 1 (1) वि० सं० 79-एस० एस०-II]

MINISTRY OF SUPPLY & REHABILITATION

(Department of Rehabilitation)

New Delhi, the 9th October, 1979

S.O. 3723.—In exercise of the powers conferred by Section 5 of the Administration of Evacuee Property Act, 1950 (32 of 1950), the Central Government hereby appoints Shri Naresh Chander Narain, Joint Secretary in the Revenue and Lands Reforms Department, Government of Bihar as Assistant Custodian General of Evacuee Property for the purpose of discharging the duties imposed on such Assistant Custodian General by or under the said Act with immediate effect.

2. This Supersedes notification No. 1(1)/Spl. Cell/79-SS. II(vii), dated 9-1-79.

[No. 1(1)/Spl. Cell/79-SS. II]

फा० सं० 3724.—निष्क्रान्त सम्पत्ति प्रशासन अधिनियम, 1950 (1950 का 31) की धारा 5 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार इसके द्वारा बिहार सरकार के राजस्व तथा भूमि सुधार विभाग के संयुक्त सचिव श्री नरेश चन्द्र नारायण को, उक्त अधिनियम द्वारा या उसके अधीन सहायक महा अधिरक्षक, निष्क्रान्त सम्पत्ति को सौंपे गए कार्यों को निष्पादित करने के लिए सहायक महा अधिरक्षक निष्क्रान्त सम्पत्ति के रूप में, संसाधन प्रभाव से नियुक्त करती है।

2. यह अधिसूचना दिनांक 9-1-1979 की अधिसूचना संख्या 1 (1) वि० सं० 79-एस० एस०-II (vii) का प्रतिक्रमण करती है।

[सं० 1 (1) वि० सं० 79-एस० एस०-II]

रघुवीर शरण श्रीवास्तव, धरम सचिव

S.O. 3724.—In exercise of the powers conferred by Section 3 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), the Central Government hereby appoints Shri Naresh Chander Narain, Joint Secretary to the Govt. of Bihar, Revenue and Lands Reforms Department as Settlement Commissioner for the purpose of performing, in addition to his own duties as Joint Secretary, the functions assigned to a Settlement Commissioner by or under the said Act, in respect of the lands and properties forming part of the Compensation Pool within the State of Bihar.

2. This supersedes notification No. 1(1)/Spl. Cell/79-SS. II(vii), dated 9-1-79.

[No. 1(1)/Spl. Cell/79-SS. II]
R. S. SRIVASTAVA, Under Secy.

फा० सं० 3725.—विस्थापित व्यक्ति (प्रतिकर तथा पुनर्वास) अधिनियम, 1954 (1954 का 44) की धारा 34 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैं, इसके द्वारा इस विभाग की अधिसूचना संख्या 1 (1)/वि० सं० 79-एस० एस०-II दिनांक 9 अक्टूबर, 1979 द्वारा बंदोबस्त आयुक्त के रूप में नियुक्त बिहार सरकार के राजस्व तथा भूमि तथा पुनर्वास विभाग के संयुक्त सचिव श्री नरेश चन्द्र नारायण को निम्नलिखित शक्तियाँ सौंपता हूँ:—

(i) उक्त अधिनियम की धारा 23 के अधीन अपीलें सुनने की शक्तियाँ।

(ii) उक्त अधिनियम की धारा 24 के अधीन पुनर्वास के मामलों में सुनवाई करने की शक्तियाँ।

(iii) उक्त अधिनियम की धारा 28 के अधीन मामलों के हस्तान्तरण करने की शक्तियाँ।

2. यह अधिसूचना दिनांक 10-1-1979 की अधिसूचना संख्या 1 (1)/वि० सं० 79-एस० एस०-II (ix) का प्रतिक्रमण करती है।

[संख्या 1 (1)/वि० सं० 79-एस० एस०-II]

संचार मंत्रालय

(डाक तार बोर्ड)

नई दिल्ली, 30 अक्टूबर, 1979

S.O. 3725.—In exercise of the powers conferred by Sub-section (2) of Section 34 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (Act No. 44 of 1954), I hereby delegate to Shri Naresh Chander Narain, Joint Secretary to Govt. of Bihar, Revenue and L&R Department, appointed as Settlement Commissioner vide this Department's Notification No. 1(1)/Spl. Cell/79-SS. II, dated 9th October, 1979, the following powers :—

- (i) Powers to hear appeals under Section 23 of the said Act.
- (ii) Powers to hear revisions under Section 24 of the said Act.
- (iii) Powers to transfer cases under Section 28 of the said Act.

2. This Supersedes notification No. 1(1)/Spl. Cell/79-SS. II(IX) dated 10-1-1979.

[No. 1(1)/Spl. Cell/79-SS. II]

क्रा० प्र० 3726.—निष्क्रान्त सम्पत्ति प्रशासन अधिनियम, 1950 (1950 का 31) की धारा 55 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैं, इसके द्वारा इस विभाग की अधिसूचना संख्या 1 (1)/वि० से०/79-एस० एस०-11 दिनांक 9 अक्टूबर, 1979 द्वारा बिहार राज्य के लिए सहायक महा अभिरक्षक के रूप में नियुक्त बिहार सरकार के राजस्व तथा भूमि सुधार विभाग के संयुक्त सचिव श्री नरेण काश नारायण को महा अभिरक्षक की निम्नलिखित शक्तियाँ सौंपता हूँ :—

- (1) अधिनियम की धारा 24 और 27 के अधीन शक्तियाँ।
- (2) अधिनियम की धारा 10 (2) (0) के अधीन किसी भी निष्क्रान्त सम्पत्ति के हस्तान्तरण के अनुमोदन की शक्तियाँ।
- (3) निष्क्रान्त सम्पत्ति प्रशासन (केन्द्रीय) नियमावली, 1955 के नियम 30-क के अधीन मामलों के स्थानांतरण/हस्तान्तरण की शक्तियाँ।

2. यह अधिसूचना दिनांक 16-1-1979 की अधिसूचना संख्या 1 (1)/वि० से०/79-एस० एस०-II का अतिक्रमण करती है।

[स 1 (1)/वि से०/79-एस० एस०-II]

काशाल कुमार, महा अभिरक्षक

S.O. 3726.—In exercise of the powers conferred on me as Custodian General by Sub-Section (3) of Section 55 of the Administration of Evacuee Property Act, 1950 (31 of 1950), I hereby delegate to Shri Naresh Chander Narain, Joint Secretary, in the Revenue and Lands Reforms Department, Government of Bihar, appointed as Assistant Custodian General of Evacuee Property for the State of Bihar vide this Department's Notification No. 1(1)/Spl. Cell/79-SS.-II dated 9th October, 1979, the following powers of the Custodian General :—

- (i) Powers under Section 24 and 27 of the Act.
- (ii) Powers of approval of transfer of any evacuee property under Section 10(2)(O) of the Act.
- (iii) Powers of transfer of cases under Rule 30-A of the Administration of Evacuee Property (Central) Rules, 1955.

2. This Supersedes notification No. 1(1)/Spl. Cell/79-SS.-II dated 16-1-79.

[No. 1(1)/Spl. Cell/79-SS.-II]

KAUSHAL KUMAR, Custodian General

क्रा० प्र० 3727.—टेलीफोन एक्सचेंज व्यवस्था के स्थानीय क्षेत्र में बदली किए जाने की बाबत जिन लोगों पर इस परिवर्तन का प्रभाव पड़ने की संभावना है, एक सर्वसाधारण सूचना उन मण्डलीय जानकारी के लिए जैसा कि भारतीय तार नियमावली 1951 के नियम 434(III) (बी बी) में अपेक्षित है मानापराई में चाबू समाचारपत्रों में निकाला गया था और उनसे कहा गया था कि इस बारे में यदि उन्हें कोई आपत्ति हो या उनके कोई सुझाव हों तो वे इस सूचना के प्रकाशित होने की तारीख से 20 दिनों के भीतर भेजने का कष्ट करें।

उक्त सूचना सर्वसाधारण की जानकारी के लिए दिनांक 11/6/1975, 10/6/1975 तथा 10/6/1975 को क्रमशः दैनिक "मसार्द मंगल" "वेकमलार" तथा "इंडियन एक्सप्रेस" में प्रकाशित कराया गया था।

उक्त सूचना के उत्तर में जनसाधारण से कोई आपत्तियाँ और सुझाव प्राप्त नहीं हुए। इसलिए अब उक्त नियमावली के नियम 434(III) (बी बी) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए महानिदेशक, डाक-तार ने घोषित किया है कि तारीख 16/11/1979 से मानापराई का स्थानीय संशोधित क्षेत्र इस प्रकार होगा :

मानापराई टेलीफोन एक्सचेंज व्यवस्था

मानापराई का स्थानीय क्षेत्र वहीं होगा जो कि मानापराई नगर पालिका क्षेत्र (अधिसूचना की तारीख को जैसा उपलब्ध हो) किन्तु वे टेलीफोन कर्ता ओ मानापराई नगरपालिका की सीमा के बाहर स्थित हैं किन्तु जिन्हें मानापराई टेलीफोन एक्सचेंज व्यवस्था से सेवा प्रदान होती है वे इस व्यवस्था के किसी भी एक्सचेंज से जब तक 5 किलोमीटर दूरी के भीतर स्थित रहेंगे और इस व्यवस्था से जुड़े रहेंगे तब तक स्थानीय तुल्य दर से भरायगी करेंगे।

[सं० 3-13/74-पी० एस० बी०]

एस० बी० राममूर्ति, निदेशक (फोल्स) ई

MINISTRY OF COMMUNICATIONS

(P&T Board)

New Delhi, the 30th October, 1979

S.O. 3727.—Whereas a public notice for revising the local area of Manaparai Telephone Exchange System was published as required by rule 434(III)(bb) of the Indian Telegraph Rules, 1951 in the Newspapers in circulation at Manaparai, inviting objections and suggestions from all persons likely to be affected thereby, within a period of 30 days from the date of publication of the notice in the Newspapers;

And whereas the said notice was made available to the public on 11-6-1975 in Daily "Malai Marasu", on 10-6-1975 in Daily "Diramalar" and on 10-6-1975 in Daily "The Indian Express".

And whereas no objections and suggestions have been received from the public on the said notices.

Now, therefore, in exercise of the power conferred by rule 434(III)(bb) of the said Rules, the Director General Posts and Telegraphs hereby declares that with effect from 16-11-1979 the revised local area of Manaparai shall be as under :

Manaparai Telephone Exchange System

The local area of Manaparai shall cover area falling under the jurisdiction of the Manaparai Municipality (as existing on the date of notification), provided further that the telephone subscribers located outside Manaparai Municipal limit but who are served from Manaparai Telephone System will continue to pay local tariffs as long as they are located within

5 Kms of any exchange of this system and remain connected to it.

[No. 3-13/74-PHB]

M. B. RAMAMURTHY, Director Phones(E)

नई दिल्ली, 31 अक्टूबर, 1979

का० प्रा० 3728.—स्वायं प्रादेश संख्या 627, 8 मार्च, 1960 द्वारा लागू किए गए भारतीय तार नियम, 1951 के नियम 434 के खंड III के पैरा (क) के अनुसार डाक-तार महानिदेशक ने बोमोह टेलीफोन केन्द्र में दिनांक 16-11-79 से प्रमाणित दर प्रणाली लागू करने का निश्चय किया है।

[संख्या 5-7/79 पी०एच०बी०]

New Delhi, the 31st October, 1979

S.O. 3728.—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627 dated 8th March, 1960, the Director General, Posts and Telegraphs, hereby specifies 16-11-1979 as the date on which the Measured Rate System will be introduced in Bommuru Telephone Exchange, Andhra Pradesh Circle.

[No. 5-7/79-PHB]

का० प्रा० 3729.—स्वायं प्रादेश संख्या 627, दिनांक 8 मार्च, 1960 द्वारा लागू किए गए भारतीय तार नियम, 1951 के नियम 434 के खंड III के पैरा (क) के अनुसार डाक-तार महानिदेशक ने मेडुकर व श्री रामसाई नगर टेलीफोन केन्द्रों में दिनांक 16-11-79 से प्रमाणित दर प्रणाली लागू करने का निश्चय किया है।

[संख्या 5-7/79 पी०एच०बी०]

भार०सी० कटारिया,

सहायक महानिदेशक (पी०एच०बी०)

S.O. 3729.—In pursuance of para (a) of Section of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627 dated 8th March, 1960, the Director General, Posts and Telegraphs, hereby specifies 16-11-1979 as the date on which the Measured Rate System will be introduced in Mydukur & Sriramsai Nagar Telephone Exchanges Andhra Pradesh Circle.

[No. 5-7/79-PHB]

R. C. KATARIA, Asstt. Director General (PHB)

MINISTRY OF LABOUR

New Delhi, the 23rd October, 1979

S.O. 3730.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, New Delhi in the industrial dispute between the employers in relation to the management of Budhpura Sand Stone Mine of Shri Ayoob Khan Pathan Mine Owner and their workmen, which was received by the Central Government on the 12th October, 1979.

BEFORE SHRI MAHESH CHANDRA, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, NEW DELHI

I. D. No. 18 of 1977

In re :

The President, Pathar Khan Mazdoor Sangh, E. 3/97,
Near Railway Colony, Kota ...Petitioner

Versus

Shri Ayoob Khan Pathan, Miner Owner, Budhpura Sand Stone Mine, Budhpura Bazar, Post Budhpura, Distt. Bundi.

AWARD

The Central Government as appropriate Government made a reference u/s 10 of the I.D. Act, 1947 vide their order No. L-29011/27/76-D III B dated 11th February 1977 to this Tribunal in the following terms :

'Whether the demand of the workmen employed in Budhpura Sand Stone Mine of Shri Ayoob Khan Pathan, Mine Owner, Budhpura Bazar, Post Budhpura (Distt. Bundi) for payment of profit sharing bonus @ 20 per cent of wages for the accounting years 1969-70, 1970-71, 1971-72, 1973-74 and 1974-75 is justified? If not, to what quantum of bonus are the workmen entitled for each of these years?'

2. On receipt of the reference usual notices were sent to the workmen and the Management while Shri M. P. Sharma, President of the Sangh appeared for the workmen none appeared for the management. A statement of claim also was filed on the 2nd May 1977 on behalf of the workmen. The Management did not appear inspite of numerous opportunities afforded to the Management to appear by ordinary post and by Regd. AD. In these circumstances ex-parte proceedings were ordered vide my order dated the 21st October, 1978 against the Management and ex-parte evidence was ordered to be recorded. Ex-parte evidence consists of statement of Shri Mahabir Parshad Sharma who has also come forward as W.W. 1. I have gone through the statement of claim as also the affidavit and the statement of Shri Mahabir Parshad Sharma as W.W.1 and after giving my considered thought to the matter before me I have come to the following findings :

3. From the perusal of affidavit I find that it has been established by the workmen that Shri Mahabir Prasad Sharma is the President of Pathar Khan Mazdoor Sangh, Kota and the said Sangh is a registered body and a notice of demand was served on 30-1-1976 upon the Management claiming bonus at the rate of 20 per cent for financial year 1969-70 to 1974-75. Thereafter the matter was taken up with the Asstt. Labour Commissioner vide letter dated 1-3-1976 and when nothing came out of the talks before the A.L.C. this reference was made. From the perusal of this affidavit it is also established that more than 20 workers are engaged in the mine of Ayoob Khan Pathan. It is also established that there has been sufficient profit to the mine owner during this period as such I hold that certainly the workmen engaged by this mine owner during the period 1969-70 to 1974-75 are entitled to bonus from the management.

4. Coming to the quantum of bonus I do not find that the workmen have produced any evidence to show the precise profits made by the management during these years. A bold statement that there was enough profit would not be enough unless it is supported by some independent cogent evidence. The burden of establishing this was upon the workmen which they have not properly discharged. In these circumstances while maintaining that the workers of this mine are entitled to bonus I hold that they shall be paid minimum bonus prescribed for the respective financial year under the Bonus Act by the appropriate Govt. and nothing more than that. Payment of minimum bonus would be sufficient and in the fitness of things keeping in view the evidence led by the workmen. The workmen would also be entitled to costs of this petition which is assessed at Rs. 150. It is awarded accordingly, that the management of respondent mine would pay minimum bonus fixed from time to time by the appropriate Govt. under the Payment of Bonus Act relating to the respective financial years for which bonus has been allowed.

Further Awarded :

Requisite number of copies of this award may be sent to the appropriate Govt. for necessary action at their end.

MAHESH CHANDRA, Presiding Officer

[No. L-29011/27/76-D. III.B]

Dated : the 30th August, 1979

S.O. 3731.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Hyderabad in the industrial dispute between the employers in relation to the management of M/s. Associated Cement Company Limited, Mancherial Cement Works and their workmen, which was received by the Central Government on the 12th October, 1979.

**BEFORE THE INDUSTRIAL TRIBUNAL (CENTRAL)
AT HYDERABAD**

Industrial Dispute No. 26 of 1977

BETWEEN

Workmen of Mancherial Cement Works.

AND

Management of M/s. Associated Cement Companies Limited, Mancherial.

This Industrial Dispute coming for final hearing before me on 16-7-1979 upon perusing the reference, claim statement, counter and other material papers on record and upon hearing the arguments of Sri A. Laxmana Rao, Advocate for the Workman and Sri K. Srinivasa Murthy, Member, Managing Committee of the Federation of A. P. Chambers of Commerce and Industry for the Management and having stood over for consideration, the Tribunal passed the following :—

AWARD

On an industrial dispute that arose between the Management of M/s. Associated Cement Companies Limited, Mancherial and their workmen in respect of the matters specified in the schedule, the Government of India through its letter No. L-29011/50/76-D. III. B. dt. 6-10-1977, referred the same to this Tribunal for adjudication under Section 10(1)(d) of the I. D. Act, 1947.

SCHEDULE

"Whether the action of the Management of M/s. Associated Cement Cos. Ltd. Mancherial Cement Works in not employing Sri Suryakanth Torvi, Euclid Driver, Quarry Department with effect from 29-11-1973 is justified? If not, to what relief the workman is entitled?"

2. The facts that gave rise to this reference are briefly the following :—Sri Suryakanth Torvi who shall hereafter be referred to as the Petitioner was employed as dumper operator (Euclid Driver) in the Quarry Department of M/s. Associated Cement Cos. Ltd., Mancherial who is the Respondent herein on a basic wage of Rs. 5.25 per day in addition to the usual allowances. Alleging that the Petitioner, was found stealthily taking 2 litres of petrol filled in 2 tins of Hydraulic and castrol brake fluid of 1 litre each, on 4-9-1973 from the factory premises and that he had placed the truck of which he was the Driver at the main gate blocking the passage on 7-9-1973 and also mis-behaved with the Security Officer by threatening and abusing him when questioned as to why he had placed the truck obstructing the passage at the main gate, a charge sheet was served on the Petitioner and was asked to explain why action shall not be taken against him. The Petitioner submitted an explanation denying the charges and praying that the proposed action may be dropped. Not satisfied with the explanation given by the Petitioner, the Management directed an enquiry to be held and the Enquiry Committee, after holding a domestic enquiry, found the Petitioner guilty of stealthily carrying 2 litres of petrol concealed in 2 tins of 1 litre capacity and also to have caused obstruction to the passage by parking the truck at the main gate which amounts to mis-conduct as per Standing Order 19(5) and 19(1) respectively, and exonerated the Petitioner of the other charge, namely, that he misbehaved with the Security Officer. That report of the Enquiry Committee was accepted by the Management and the Petitioner was dismissed from service by an order dated 29-11-1973.

3. Aggrieved by the said order of dismissal, the Petitioner through the Workers' Union raised a dispute and efforts at conciliation having failed, the Govt. of India, after satisfy-

ing itself that there exists an industrial dispute between the parties, referred the same to this Tribunal for adjudication.

4. The Petitioner filed a claim statement contending that the charges levelled against him are false and baseless, that the domestic enquiry held is vitiated for the reason that the very constitution of the enquiry Committee consisting of 2 members is bad, that one of them by name Sri V. P. Sastry, who was the Welfare Officer could not under the rules sit as a member of the Enquiry Committee, that he was not given sufficient opportunity during the enquiry to defend himself, that the findings of the Enquiry Committee are not in accordance with the evidence adduced and that in any case the punishment of dismissal awarded is excessive and is liable to be set aside as a consequence of which he is entitled to be reinstated into service with full back wages and other attendant benefits.

5. The Respondent-Management has filed a counter denying all the adverse allegations made in the claim statement of the Petitioner and contending that none of the objections taken by the Petitioner questioning the very constitution of the Enquiry Committee are tenable, that Mr. Sastry who was one of the members of the Enquiry Committee, could validly be appointed as a member of the Committee, that the allegation as if the charges levelled against the Petitioner are false is baseless, that the enquiry was conducted strictly in accordance with the Standing Orders of the Company and principles of natural justice, giving a fair and reasonable opportunity to the Petitioner to participate in the enquiry and defend himself, that the enquiry was held in a fair and proper manner, that the findings recorded by the Enquiry Committee are not perverse as alleged by the Petitioner, that having regard to the gravity of the misconduct proved, the punishment of dismissal is the only proper punishment that can be awarded and that therefore the Petitioner is not entitled to any relief.

6. Since the impugned order of dismissal passed against the Petitioner was preceded by a domestic enquiry, the parties were first heard on the validity of the enquiry proceedings by one of my learned predecessors who, by an order dated 28-3-1978, found the enquiry to be valid as having been conducted in accordance with the principles of natural justice. While doing so, the question whether the findings recorded at the domestic enquiry was prima-facie justifiable on the basis of the evidence adduced was left open and therefore the parties were directed to lead evidence in that regard, in pursuance of which the Petitioner got himself examined as W.W. 1 while the Personal Manager of the Respondent-Company was previously working as Personnel Welfare Officer was examined as M.W. 1.

7. Now that this Tribunal has already given a finding that the domestic enquiry held against the Petitioner has been fair and proper, the only point that remains for consideration is, 'whether the findings of the Enquiry Committee are perverse and if not whether the punishment awarded is disproportionate to the mis-conduct proved?'

8. Ex. M1 is the enquiry proceedings which would show that as many as 5 witnesses were examined on behalf of the Management while 3 witnesses were examined on behalf of the Petitioner out of whom the Petitioner himself was one. The witnesses examined on behalf of the Management are Sri S. L. Phandare, the Security Officer, Sri Sabeer Khan, the Watchman, Sri D. Venkateswara Rao, Shift Time Keeper, Sri J. B. Mallaiah, another Watchman and Sri Puran Bahadur, who is also a Watchman.

9. Out of the above witnesses Mr. Phandare, the Security Officer is the important witness and his evidence is amply corroborated by the other witnesses. I have gone through the evidence adduced on both the sides before the Enquiry Committee as well as the findings recorded by the Committee. The Committee has given cogent reasons for arriving at a conclusion that 2 of the charges levelled against the Petitioner were proved while the other was not proved. There is nothing to attribute any bias or unfairness to the enquiry committee in conducting the enquiry. It is no doubt alleged that the findings recorded by the Committee are perverse. Perversity can be attributed only if the findings are based on no legal evidence or if on the material placed before the Committee no person can possibly arrive at such a conclusion. The mere fact that any other person can come to a

different conclusion on the same material is no ground to hold that the findings are perverse. After going through the evidence carefully, I have absolutely no reason to find that the findings recorded by the Enquiry Committee are perverse. On the other hand, I am convinced that the findings are just and proper. The fact that the Enquiry Committee has been fair enough not only in conducting the enquiry but also in recording its findings can be seen from the fact that one of the charges was held to have not been proved. A feeble attempt was no doubt made to attribute bias to Phandare, the Security Officer, on whose report the enquiry was initiated but I find no substance in that allegation made because there is absolutely no evidence to substantiate the above contention. I am unable to believe that the Security Officer would have borne any grudge against the Petitioner for the simple reason that the Petitioner did not agree to receive the amount he had lent to the Milk vendor in instalments. That story itself appears to be an after thought. I, therefore, find that the findings recorded by the Enquiry Committee do not suffer from any perversity.

10. Once the findings are found to be correct and are not perverse, the only other question that remains for consideration is with regard to the punishment. Normally it is left to the discretion of the Management which shall not be interfered with by the Tribunal as it is not sitting in appeal over the action taken by the Management. It is only in exceptional cases that the Tribunal is empowered to interfere with the punishment awarded. That depends upon the circumstances of each case. The important factor that should guide in this matter is the gravity of the mis-conduct proved against the delinquent employee. In the instant case, one of the charges held proved is that the Petitioner was stealthily taking 2 litres of petrol in 2 tins which were concealed under the driver's seat. Theft of Company's property is a serious matter and the Management cannot with any amount of grace be compelled to keep a person found guilty of theft of company's property in service. Unless the punishment awarded can be said to be shockingly dis-proportionate as to suggest victimisation or unfair labour practice, the Tribunal will not be justified in interfering with the punishment awarded. Since the charge of theft is one of a grave nature, I do not think that the punishment awarded can be interfered with. Hence I find that there is no justification to interfere with the punishment of dismissal awarded.

11. In the result, an Award is passed finding that Sri Suryakanth Torvi, who was employed as an Euclid Driver in the service of the Respondent-Management is not entitled to any relief.

Dictated to the Stenographer, transcribed by him and corrected by me and given under my hand and the seal of this Tribunal, this the 30th day of August, 1979

G. SADASIVA REDDY, Presiding Officer.

APPENDIX OF EVIDENCE

Witnesses examined for :

Workmen : Management :

W.W. 1 Sri Suryakanth Torvi. M.W. 1 Sri Prabhakara Sastry.

Documents exhibited for Workmen :

—NIL—

Documents exhibited for Management :

Ex. M1 Domestic Enquiry file of Sri Suryakant Torvi.

Ex. M2 Certificates issued by the Joint Director of Mines safety, Hyderabad region.

Ex. M3 Covering letter of Ex. M2.

Ex. M4 No. A/1270/73 dt. 14-6-74 from Conciliation Officer, Karimnagar regarding report on failure of conciliation of Suryakanth Torvi, ex-euclid driver.

Ex. M5 No. 5/4/76-E3 dt. 14/15th December 1976 from Ministry of Labour Office of the Regional Labour Commissioner (Central) Hyderabad, regarding on failure of conciliation.

Ex. M6 Circular No. MewEU/Cir/44 dt. 22-1-72 showing the names of the office bearers of the Workers union during the year 1972.

Ex. M7 Circular No. MewEU/145/20/ELEC. dt. 31-1-73 showing the names of the office bearers of the Workers Union for the year 1973.

Ex. M8 Standing Orders of the Company.

30th August, 1979.

G. SADASIVA REDDY, Presiding Officer.

[No. L-29011/50/76-D.III.B]

अभ्यन्तर मंत्रालय

प्रारम्भ

नई दिल्ली, 24 अक्टूबर, 1979

क्रा० प्रा० 3732.—केन्द्रीय सरकार की राय है कि इससे उपबद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में नेशनल मिनरल डेवलपमेंट कॉर्पोरेशन की डोमिलेय प्रायरन और प्रोजेक्ट के प्रबन्धन से संबंध नियोजकों और उनके कर्मचारों के बीच एक औद्योगिक विवाद विद्यमान है;

और केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना बांछनीय समझती है;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7-क और धारा 10 की उपधारा (1) के खंड (ब) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एक औद्योगिक अधिकरण गठित करती है जिसके पीठासीन अधिकारी श्री एफ० एल० एफ० एल्वेस होंगे, जिनका मुख्यालय बंगलूर में होगा और उक्त विवाद को उक्त औद्योगिक अधिकरण को न्यायनिर्णयन के लिए निर्देशित करती है।

अनुसूची

"क्या सामान्य उद्येयता सूची तारीख 19-4-1973 के आधार पर श्री के० टी० एलेक्जेंडर की 23-8-1976 से डिजाइन सहायक के रूप में प्रोन्नति संबंधी युनियन की मांग न्यायोचित है? यदि हां, तो वह किस अनुसूची का हकदार है?"

[संख्या एल-26011/6/78-डी० 3 बी०]

ORDER

New Delhi, the 24th October, 1979

S.O. 3732.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Donimalai Iron Ore Project of National Mineral Development Corporation and their workman in respect of the matter specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri F.L.F. Alvares shall be the Presiding Officer, with headquarters at Bangalore and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

"Whether the demand of the Union for promotion of Shri K. T. Alexander as Design Assistant with effect from 23-8-1976 on the basis of the common seniority list dated 19-4-1973 is justified? If so, to what relief is he entitled?"

[No. L-26011/6/78-D. III. B]

भाषा

नई दिल्ली, 25 सितम्बर, 1979

क्रा० प्रा० 3733.—केन्द्रीय सरकार की राय है कि इससे उपायधन अनुसूची में विनिर्दिष्ट विषय के बारे में डालमिया मैग्नीसाइट कारपोरेशन, सेलम के प्रबन्धन से सम्बन्धित नियोजकों और उनके कर्मचारियों के बीच एक औद्योगिक विवाद विद्यमान है;

और केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना वांछनीय समझती है;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7-क और धारा 10 की उपधारा (1) के खंड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एक औद्योगिक अधि-करण गठित करती है जिसके पीठासीन अधिकारी श्री टी० सुंदरसनम हेनियल होंगे, जिनका मुख्यालय मद्रास में होगा और उक्त विवाद को उक्त औद्योगिक अधिकरण को न्यायनिर्णयन लिए निर्देशित करती है।

अनुसूची

"(1) क्या डालमिया मैग्नीसाइट कारपोरेशन, सेलम के प्रबन्ध-तंत्र की, सर्वश्री 1. सी० कन्दासामी 2. पी० कन्दासामी, 3. टी० पालानीसामी और 4. भार० पालानीसम्पन, जो छेवी छवादी जगहौर मैग्नीसाइट माइन्स में नियोजित हैं, को 15 मई, 1978 से पदभ्युत करने की कार्यवाही न्यायोचित है?"

"(2) यदि नहीं, तो उक्त कर्मकार किस अनुलोच के हकदार हैं?"

"(3) क्या डालमिया मैग्नीसाइट कारपोरेशन, सेलम के प्रबन्धतंत्र की सर्वश्री 1. पी० राम गोन्दर और 2. श्री पी० इरुसा गोन्दर जो छेवी छवादी जगहौर मैग्नीसाइट माइन्स में नियोजित हैं, को 15 मई, 1978 से पदभ्युत करने और 5 जुलाई 1978 से पिछली मजदूरी म वेते हुए सेवा की निरन्तरता के साथ बहाल करने की कार्यवाही न्यायोचित है?"

"(4) यदि नहीं, तो उक्त कर्मकार किस अनुलोच के हकदार हैं?"

[संख्या एन-29011/21/79-डी० 3 की]

ए० के राय, भवर सचिव

ORDER

New Delhi, the 25th September, 1979

S.O. 3733.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Dalmia Magnesite Corporation, Salem and their workmen in respect of the matter specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri T. Sudarsanam Daniel shall be the Presiding Officer, with headquarters at Madras and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

"i. Whether the action of the management of Dalmia Magnesite Corporation Salem in dismissing the workmen Sarvashri 1. C. Kandasami, 2. P. Kandasami, 3. T. Palanisami and 4. Palaniappan employed in Chetti Chavadi Jaghir Magnesite Mines with effect from 15-5-78 is justified?"

"ii. If not, what relief the said workmen are entitled to?"

"iii. Whether the action of the management of Dalmia Magnesite Corporation, Salem in dismissing with effect from 15-5-78 and reinstating with effect from 5-7-78 the workman Sarvashri 1. P. Rama Gounder and 2. P. Erusa Gounder employed in Chetti Chavadi

Jaghir Magnesite Mines with continuity of service but without back wages is justified?"

"iv. If not, what relief the said workmen are entitled to?"

[No. L-29011/21/79-D. III.B]

New Delhi, the 26th October, 1979

S.O. 3734.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Rajasthan, Jaipur in the industrial dispute between the employers in relation to the management of Khetri Copper Complex of Hindustan Copper Limited and their workmen which was received by the Central Government on the 10th October, 1979.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
RAJASTHAN, JAIPUR

Reference Case No. CIT-13/76

Ref :—Government of India, Ministry of Labour, New Delhi Order No. L-43012(10)/75-D-IV(B) dated 26th October, 1976.

In the matter of an Industrial Dispute.

BETWEEN

Workmen represented by Khetri Tamba Shramik Sangh, Khetri Nagar, District Jhunjhunu.

AND

The management of Khetri Copper Complex, Hindustan Copper Limited, Post Office Khetri Nagar, District Jhunjhunu.

APPEARANCES

For the Workmen : Shri P. K. Sharma

For the opposite party : Shri Madho Kapoor

Date of Award : 12-9-1979

AWARD

The Central Government referred the following Industrial Dispute existed in between the Management of Khetri Copper Complex, Hindustan Copper Limited, Khetri Nagar and their workman Shri P. S. Parmar in the matter of his reversion from the post of Senior Draftsman to the post of Draftsman with effect from 9-1-75 and consequently dismissing from service with effect from 31-7-75, for adjudication to this Tribunal under the above cited notification :—

2. Whether the action of the management of Khetri Copper Complex of Hindustan Copper Limited, Post Office Khetri Nagar in reverting Shri P. S. Parmar from the post of Senior Draftsman to the post of Draftsman with effect from 9-1-75 and subsequently dismissing him from service with effect from 31-5-75, is justified? If not, to what relief is the said workman entitled?

3. A claim in the reference was referred by the Khetri Tamba Sangh, Khetri Nagar with the contention that Shri P. S. Parmar was appointed as a Tracer (Geology) on 19-10-1964 in the Kolihan Mine of Hindustan Copper Limited, Khetri Nagar. Later on he was promoted as Senior Draftsman. He began to take active part in the trade union activities. He was a representative of the union and he held important posts in the Union. In resulted into the change of attitude of the opposite party. In April 1974 he was elected Secretary of the applicant Sangh. It further annoyed the Management and a process of Victimisation was started by the management against him. On 10-10-74 Shri Parmar was charge-sheeted and was also put under suspension. In the enquiry held on the basis of this charge-sheet against him, he was not afforded proper opportunity. In the result he was reverted to the post of

Draftsman. It was further alleged that the opposite party was not satisfied with the reversion of Shri Parmar but all of a sudden dismissed him from service on 31-5-75 abruptly without any enquiry as an act of victimisation. On this date, nine other workmen were also dismissed in the same manner. Separate references were made for those workmen by the appropriate Government. The reversion of Shri Parmar from the post of Senior Draftsman to the post of Draftsman was illegal, as he was reverted without proper and fair enquiry and it was also in violation of the rules applicable to him. It was also alleged that the dismissal of Shri Parmar was illegal, as it was effected without holding an enquiry in violation of principles of natural justice and also in violation of the rules applicable to him. Therefore, it was prayed in the claim that the order of the management reverting Shri Parmar and subsequent dismissal from service with effect from 31-5-75, be set aside and he be reinstated on the post of Senior Draftsman with full back wages and benefits along with continuity of service.

4. The claim was opposed with the contention that the allegation of the Sengh that Shri Parmar was reverted from the post of Senior Draftsman to Draftsman and later on dismissed him from service on account of his active participation in the trade union activities, is absolutely wrong. It was alleged that Shri Parmar while on duty on 9th October, 1974 led a group of 150 workmen and forcibly and unauthorisedly entered into the site office of the Executive Engineer and held unauthorised demonstrations and gheraoed Shri V. B. Bangiya and also assaulted him. He was charge-sheeted and placed under suspension for this incident on 10-10-74. Thereafter an enquiry was held in the matter of this charge-sheet against him in accordance with the principles of natural justice and rules applicable to him. It was further alleged that Shri R. P. Garg, Assistant Mining Engineer took action against Shri Ram Chander, Miner who reached late on duty and without wearing safety boots; he did not take with him the oil as per instructions given to him and therefore he was marked "out" and was directed to leave the Mine, Thereupon Sarvshri Phool Chand and Om Prakash came in the Mine's office at 3 P.M. and demanded from Shri Garg that Shri Ram Chander, Miner should be marked present. When he could not oblige, both of them abused and created a trouble there. Thereafter a crowd of workmen including Sarvshri Gajvir Singh Soda, Ram Chander Sampler along with other workmen gathered there, and pulled Shri Garg out of the office. Shri Khadav intervened. Thereafter the crowd along with Shri Parmar reached the Mine Manager's Office where Shri A. R. Kohli, Mine Manager was present. The crowd demanded that Miner Ram Chander should be marked present and Shri Garg should apologize and should also be suspended. Meanwhile a Bus Load of workmen inclusive of Sarvshri Banwarilal Bhatt, Ram Swaroop Indoria, S. L. Saini and N. K. Saxena arrived there. There, the leaders began to make speeches and shouted abusive and threatening slogans against the officers of the Company. The crowd also started pelting stones and ultimately Shri A. R. Kohli was mercilessly beaten by them. It was specifically alleged that the workmen named above participated in the beating of Shri Kohli. On that day the workmen of the second and third shifts of Kolihaan Copper Mines did not report on duty and resorted to illegal strike. The officers of the opposite party apprehended further attack on them and further damage to the property and therefore the Company had to declare a lock-out. The above referred workman was dismissed from service on account of their participation in the above incident, in which Shri Kohli was mercilessly beaten. This act of the workman was so notorious that there was no necessity of any enquiry. It was also not considered feasible because of the violent atmosphere which persisted there for some time which was created by them. The dismissal of the workmen without holding any enquiry in the above said circumstances was not against the rules applicable to the workmen; so the dismissal of the workmen should be held valid and just and the claim be dismissed.

5. At the stage of the consideration for the fairness of the enquiry a settlement was arrived at between both the parties and it was requested that the dispute be resolved as per terms of the settlement. The terms of the settlement are as follows :

(1) that the Management of Hindustan Copper Limited will re-employ Shri P. S. Parmar. The letter of fresh employment will be issued to him by the management within 15 days from the date, that an award in terms of the settlement is made by the Industrial Tribunals;

(2) that on re-employment, the workman Shri Parmar will be given a basic pay of Rs. 705 P.D.A. Rs. 225, V.D.A. Rs. 92.30 in the pay scale of Rs. 585-30-945 on the post of Senior Draftsman (Geological) and his place of posting will be Khetri Copper Complex.

(3) that as a special case on re-employment, the workman concerned, Shri P. S. Parmar will not be placed on probation and will be allowed to contribute to the provident fund from the date of joining the duties in the event he has not already withdrawn the provident fund accumulations.

(4) Since Shri P. S. Parmar has been occupying company's quarter, it is agreed as a very special case and as a gesture of goodwill that he will be allowed to retain the possession of the Company's quarter.

(5) that the amount, if any, standing against the workman at the time of his dismissal on 31-5-75 on account of advances taken for various purposes shall be recovered from his salary/wages on re-employment in accordance with the Company's rules for the recovery of such advances.

(6) Considering the fact that the workman has been out of employment for over four years, it is agreed that no departmental disciplinary action will be taken against him under the provisions of rules applicable to him for the alleged acts of misconduct committed on 29-5-75. This Settlement, however, will not affect the proceedings of the original cases pending against him.

(7) that apart from the benefits as granted herein, no other benefits for the past service will be claimed in respect of the concerned workman.

(8) that the workman concerned assures that discipline and orderly conduct will be maintained by him and no recourse will be made to violence, intimidation or any unlawful methods or activities.

(9) that Shri P. S. Parmar is to be governed by the N.M.D.C. Ltd. Rules as adopted by the HCL for all purposes and will continue to be so governed;

(10) that the Industrial Dispute in this Reference before the Hon'ble Tribunal has been fully and finally resolved on the above terms;

(11) that in view of this settlement, the management will withdraw the writ petition pending before the Hon'ble High Court.

6. The terms of the settlement were perused and it is considered that the settlement is in the interest of the workman as it has given re-employment to the workman with certain other facilities. It is also in the interest of the management as it would create harmonious relations between both the parties and will also create peaceful atmosphere in this industry. Therefore, it is attested and verified and placed on record. The dispute has been resolved by both the parties by mutual settlement.

7. Therefore an award is passed as per settlement that the opposite party will give re-employment to Shri P. S. Parmar on the post of Senior Draftsman as per above-given terms.

8. Let the award be published under Section 17(1) of the Industrial Disputes Act.

M. D. CHOUDHARY, Presiding Officer

[No. L. 43012/10/75-D IVB/D IIIB]

S.O. 3735.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, New Delhi in the industrial dispute between the employers in relation to the management of Budhpura and Lambhakho Sand Stone Mines and their workmen, which was received by the Central Government on the 12th October, 1979.

BEFORE SHRI MAHESH CHANDRA, PRESIDING
OFFICER, CENTRAL GOVERNMENT INDUS-
TRIAL-CUM-LABOUR COURT, NEW DELHI
I.D. No. 199 of 1977

In re :

The President, Pathar Khan Mazdoor Sangh, E-3/97,
Near New Railway Colony, Kota-324002.

Versus

1. Smt Aruna Saksena, Mine Owner,
Vijay Pada, Kota-324006.
2. Shri Chand Khan, Mine Owner,
Post & Vill. Budhpura.
3. Shri Kanha Dhakad, Mine Owner,
Post & Vill. Budhpura.
4. Shri Ghasi Lal Teli, Mine Owner,
Post & Vill. Dabi.
5. Shri Gopi Lal S/o Shri Prahlad Ram,
Mine Owner, Shopping Centre, Kota-324006.

AWARD

The Central Govt. as appropriate Govt. made a reference u/s 10 of the I.D. Act, 1947 to this Tribunal vide its order No. L-29011/20/77-D.III.B dated the 18th October, 1977 in the following terms :

Whether the demand of the workmen employed in the following mines of various employers as detailed against each of the mine for payment of profit sharing bonus @ 20 per cent of wages for accounting years shown against each of them is justified? If not, to what quantum of bonus are the workmen entitled for each of these years?

Sl. No.	Name of the employer with address	Name of the Mine	A/c years for which bonus demanded
1	Smt. Aruna Saksena Mine owner Vijay Pada, Kota	Patoda, Lambhakho Sand Stone Mines.	1970-71, 1971-72, 1972-73, 1973-74, 1974-75 & 1975-76
2.	Shri Chand Khan, Mine Owner, Post & Vill. Budhpura (Bundi)	Budhpura Sand Stone Mines.	1971-72, 1972-73, 1973-74, 1974-75, & 1975-76
3.	Shri Kanha Dhakad, Mine Owner, Post & Vill. Budhpura (Bundi)	Budhpura Sand Stone Mines.	1971-72, 1972-73, 1973-74, 1974-75, & 1975-76
4.	Shri Ghasi Lal Teli, Mine Owner, Post & Vill. Dabi.	Budhpura Sand Stone Mines.	1972-73, 1973-74, 1974-75, & 1975-76.
5.	Shri Gopital, Mine Owner, Shopping Centre, Kota.	Budhpura Sand Stone Mines.	1974-75 & 1975-76.

"2. Whether the demand of workmen employed in Patpada & Lambhakho Sand Stone Mines of Smt. Aruna Saksena, Budhpura Sand Stone Mines of Shri Chand Khan, Budhpura Sand Stone Mine of Shri Kanha Dhakad, Budhpura Sand Stone Mine

of Shri Ghasi Lal Teli and Budhpura Sand Stone Mine of Shri Gopital S/o Prahladram for grant of attendance, allowance is justified? If so, to what quantum, date the workmen are entitled to?"

"3. Whether the workmen employed in Patpada & Lambhakho Sand Stone Mines in the District of Bundi of Smt. Aruna Saksena, Mine Owner, Kota are entitled for grant of any paid national and festival holidays?"

2. On receipt of the reference usual notices were sent to the parties but none has appeared for the Management side while Shri Mahabir Prashad Sharma has been appearing for the workmen side. In the circumstances ex-parte proceedings were ordered against all the Managements—parties to this reference and ex-parte evidence was ordered to be recorded. The ex-parte evidence of the workers consists of affidavit of Shri Mahabir Prashad Sharma, the President of their Sangh which prima facie supports the claim as made out in the statements of claim against various managements—parties to this reference and after giving my considered thought to the matter before me I have come to the following findings.

3. From the perusal of respective statements of claim read in the light of order of reference I find that the first question to be considered is regarding the claim of bonus. While in the affidavit of Shri Mahabir Prashad Sharma it has been stated that the Management has made profits during the financial years subject matter of the order of reference, they have not produced any facts and figures of the said profit, in the absence whereof it is not possible for this Tribunal to arrive at any conclusion regarding the quantum of bonus which could be ordered to be paid to these workmen in the context of profits of the management. The question referred is regarding payment of profit sharing bonus. In as much as it has been stated on affidavit that profits were made, I am of the opinion that ends of justice would be served if the respondents—managements are directed to pay bonus at the rate of minimum fixed by the appropriate Govt. under the payment of bonus Act for the respective financial year to which the claim relates and it is awarded accordingly.

4. The workers have also claimed for attendance allowance as referred to in para 2 of schedule of order of reference but from the perusal of the statement of claim and the affidavits I do not find that any case has been made out for grant of any attendance allowance apart from the wages which the respective workmen are getting. The burden of establishing the right to receive attendance allowance was upon the workmen. They have failed to discharge this burden. There is nothing on record to show that there is any such practice of grant of attendance allowance. In these circumstances I hold that the workmen are not entitled to any attendance allowance as claimed by them from the mines referred to in para 2 of the order of reference.

5. The only other claim which has been referred in this order of reference with regard to grant of paid national and festival holidays to the workmen employed by Mrs. Aruna Saksena mine owner. As regards national holidays I do feel that it would be appropriate to grant three paid national holidays to the worker of this mine for the 26th January, 15th August and 2nd October in a year. This would not doubt cost some financial burden upon the Management but in the interest of national integrity and solidarity and in order to enable the workers to join the national stream in celebrating these national important festivals it would be proper to allow three paid holidays 26th January, 15th August and 2nd October as national holidays in a year. There is nothing which has been proved on record to show that the Management would be in a position to bear the burden of any other paid holiday other than the above three national holidays. No balance sheet of management has been produced. I do not think time is yet ripe for grant of any other paid festival holidays other than three national holidays referred to above. This award is accordingly made. The workmen would be entitled to costs of this petition which is assessed at Rs. 150 each in respect of the five mine owners.

Further Awarded :

That requisite number of copies of this award may be sent to the appropriate Govt. for necessary action at their end.

MAHESH CHANDRA, Presiding Officer
[No. L-29011/20/77-D. III. B]

Dated : the 30th August, 1979.

S.O. 3736.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Madras in the industrial dispute between the employers in relation to the management of M/s. Dalmia Cement (Bharat) Limited, Dalmiapuram and their workmen, which was received by the Central Government on the 16th October, 1979.

BEFORE THIRU T. SUDARSANAM DANIEL,
B.A., B.L.,

(Constituted by the Government of India)

Friday, the 5th October, 1978

Industrial Dispute No. 38 of 1978

(In the matter of the dispute for adjudication under section 10(1)(d) of the Industrial Disputes Act, 1947 between the workmen and the Management of Messrs. Dalmia Cement (Bharat) Limited, Dalmiapuram).

BETWEEN

The workmen represented by The General Secretary, Dalmia Cement National Workers Union, Dalmiapuram, Kallakudi-621651, District Trichi, Madras State.

AND

The General Manager,
Dalmia Cement (Bharat) Limited, Dalmiapuram,
Kallakudi-621651, Trichi District.

Reference : Order No. L-29011/15/78-D.III.B. dated 15th June, 1978 of the Ministry of Labour, Government of India.

This dispute coming on for final hearing on Monday, the 24th day of September, 1979, upon perusing the reference claim and counter statements and all other material papers on record and upon hearing of Thiru I. M. Moinuddin, Working President of the Union and of Thiru M. R. Narayanaswami, authorised representative for the Management and the Working President of the Union having filed a Memorandum for not pressing the claim as the dispute has been settled and having stood over till this day or consideration, this Tribunal made the following.

AWARD

This is an industrial dispute referred to this Tribunal for adjudication under section 10(1)(d) of the Industrial Disputes Act, 1947 by the Government of India in Order No. L-29011/15/78-D. III. B, Ministry of Labour, dated 15th June 1978 between the workmen and the Management of Dalmia Cement (Bharat) Limited, Dalmiapuram in respect of the following issue :

Whether the demand of the Dalmia Cement National Workers Union, Dalmiapuram for placing S/Shri M. Devasagayam, P. Thiagarajan, K. Raju and A. Amaldoss, Crusher Maistries in the Dalmia Cement (Bharat) Limited, Dalmiapuram is Gr. IV is justified? If not, to what relief the concerned workmen are entitled.

(2) Summons were issued to the parties for 15-7-1978 and were served. A claim statement was filed by the Petitioner—Union Dalmia Cement National Workers Union on

15-7-1978 putting forth their claims. Respondent Management filed a counter statement on 30-1-1979 repudiating the claims of the Petitioner—Union.

(3) The Petitioner—Union which has raised this dispute has filed the Memo that the matter has been settled and the Petitioner is not pressing his claim. Respondent—Management also informed the Tribunal that the claim has already been settled between the Management and workmen with regard to the dispute raised in this Industrial Dispute.

(4) In the result, an Award is passed dismissing the claim. No costs.

T. SUDARSANAM DANIEL, Presiding Officer

Dated, this 5th day of October, 1979.

[No. L-29012/15/78-D.III.B]

A. K. ROY, Under Secy.

New Delhi, the 30th October, 1979

S.O. 3737.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Rajasthan, Jaipur in the industrial dispute between the employers in relation to the management of Khetri Copper Complex of Hindustan Copper Limited Khetrinagar and their workmen, which was received by the Central Government on the 12th October, 1979.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
RAJASTHAN, JAIPUR, SHRI M. D. CHOUDHARY
PRESIDING OFFICER

Reference Case No. CIT-12/75

Ref :—Government of India, Ministry of Labour, New Delhi Order No. L-43011/3/75/D.IV/B dated 4th October, 1975.

In the matter of an Industrial Dispute

BETWEEN

The Employees represented by

- (1) Khetri Tamba Shramik Sangh, Khetri Nagar.
- (2) Rashtriya Khetri Tamba Project Mazdoor Sangh, Khetri Nagar.

AND

The Management of Khetri Copper Complex of Hindustan Copper Complex, Khetri Nagar, District Jhunjhunu.

APPEARANCES

For the Workmen.—Shri P. K. Sharma.

For the Management.—Shri Madho Kapoor.

Date of Award.—12-9-1979.

AWARD

The Central Government referred the following Industrial Dispute existed in between the Management of Khetri Copper Complex of Hindustan Copper, Khetri Nagar and their workmen Sarvashri Gajvir Singh Sodha, Compressor Operator, Ram Chander, Sampler-A, Phool Chand, Miner and Om Prakash. Drillman, employed in Kolipan Copper Mine in the matter of their dismissal from service with effect from 31-5-75, for adjudication to this Tribunal under the above cited notification :—

“Whether the action of the management of Khetri Copper Complex of Hindustan Copper Limited Post Office Khetri Nagar, District Jhunjhunu in dismissing Sarva Shri Gajvir Singh Sodha (Compressor Operator)

Ram Chander (Sampler-A), Phool Chand (Miner) and Om Prakash (Drillman) employed in their Kolihan of Copper Mine with effect from 31-5-1975, is justified? If not, to what relief are the said workmen entitled?"

2. A claim was preferred by the Khetri Tamba Shramik Sandh and the Rushtriya Khetri Tamba Project Mazdoor Sangh that the above said workmen were employed in the Kolihan mine of the opposite party. They were foremost Trade Unionists and also held important positions in the Union. It annoyed the opposite party and the opposite party started indulging in unfair means to weaken the Union and victimise their active members. In consequence of such actions the above-named four workmen were dismissed all of a sudden on 31-5-75. Some other workmen were also dismissed on the same day for which a separate reference were made by the appropriate Governments for those workmen. These workmen were dismissed without giving any show-cause-notice or charge-sheet before their dismissal and thus the principles of natural justice were also overlooked. The dismissal of these workmen was illegal and unjust and they should be reinstated with full back wages.

3. In the contest of the claim it was denied by the opposite party that the workmen were dismissed by resorting to unfair means and in order to victimise them for their trade union activities. Both the Unions who espoused the dispute, formed a joint Action Committee on 22-5-75 and informed that the common demands raised by them would be agitated jointly for which specific programme would be given shortly. That the Joint Action Committee announced that a public meeting would be held at 4.30 P.M. on 29-5-75 but this meeting was not held on that day. Shri R. P. Garg, Assistant Mining Engineer took action against Shri Ram Chander, Miner who reached late on duty and without wearing boots; he did not take with him the oil as per instructions given to him and therefore, he was marked "out" and was directed to leave the Mine. Thereupon Sarvashri Phool Chand and Om Prakash came in the Mine's Foreman's Office at 3 P.M. and demanded from Shri Garg that Shri Ram Chander, Miner should be marked present. When he could not oblige, both of them abused and created a trouble there. Thereafter a crowd of workmen including Sarvashri Gajbir Singh Soda, Ram Chander Sampler along with both of these workmen gathered there, and pulled Shri Garg out of the office. Shri Khadav intervened. Thereafter the crowd reached the Mine Manager's Office where Shri A. R. Kohli, Mine Manager was present. The crowd demanded that miner Ram Chander should be marked present and Shri Garg should apologize and should also be suspended. Meanwhile a Bus Load of workmen inclusive of Sarvashri Banwarlal Bhatt, Ram Swaroop Indolia, S. L. Saini and N. K. Saxena arrived there. There, the leaders began to make speeches and shouted abusing and threatening slogans against the officers of the Company. The crowd also started pelting stones and ultimately Shri A. R. Kohli was mercilessly beaten by them. It was specifically alleged that the workmen named above participated in the beating of Shri Kohli. On that day the workmen of the second and this shifts of Kolihan Copper Mines did not report on duty and resorted to illegal strike. The officers of the opposite party apprehended further attack on them and further damage to the property and therefore the Company had to declare a lock-out. The above referred workmen were dismissed from service on account of their participation in the above incident, in which Shri Kohli was mercilessly beaten. This act of these workmen was so notorious that there was no necessity of an enquiry. It was also not considered feasible because of the violent atmosphere which persisted there for some time which was created by them. The dismissal of the workmen without holding any enquiry in the abovesaid circumstances was not against the rules applicable to the workmen; so the dismissal of these workmen should be held valid and just and the claim be dismissed.

4. At the stage of evidence of the Union both the parties entered into a settlement and requested that the dispute be resolved as per terms of the settlement. The terms of the settlement are as follows:—

1. That the Management of Hindustan Copper Limited will re-employ S/Shri Gajbir Singh Soda, Om Prakash, Phool Chand and Ram Chandar. The letters of fresh employment

will be issued to them by the Management within 15 days from the date an Award in terms of the settlement is made by the Hon'ble Tribunal.

2. On re-employment, the workmen namely S/Shri Gajbir Singh Soda, Om Prakash, Phool Chand and Ram Chandar will be given the pay, the scale of pay, the post and the place of posting as under:

Name	Post	Scale of pay	Basic	FDA	VDA	Place of posting
1. Sh-Gajbir Singh Soda	Comp. Opra- tor A	365-12-413 15-548	458	145	92.30	Chandmarl Copper Project
2. Om Prakash	Dril man	270-9-405	306	115	92.30	Chandmarl Copper Project
3. Phool Chand	Miner	270-9-405	306	115	92.30	Khetri Copper Complex
4. Ram Chandar	Samp- ler A	270-9-405	315	115	92.30	Khetri Copper Complex.

3. That as a special case, on re-employment, the four workmen concerned, will not be placed on probation and will be allowed to contribute to the provident fund from the date of joining the duties in the event they have not already withdrawn the provident fund accumulations.

4. That the amount, if any, standing against the workmen at the time of their dismissal on 31-5-75, on account of advances taken for various purposes shall be recovered from their salary/wages on re-employment in accordance with the Company's rules for the recovery of such advances.

5. Considering the fact that the workmen have been out of employment for over four years, it is agreed that no departmental disciplinary action will be taken against them under the provisions of rules applicable to them for the alleged acts of misconduct committed on 29-5-75. This settlement, however, will not affect the proceedings of the criminal cases pending against them.

6. That apart from the benefits as granted herein, no other benefits for the past service will be claimed in respect of the concerned workmen.

7. That the workmen concerned assure that discipline and orderly conduct will be maintained by them and no recourse will be made to violence, intimidation or any unlawful methods or activities.

8. That the Industrial Dispute in this Reference before the Hon'ble Tribunal has been fully and finally resolved on the above terms.

9. The terms of the settlement were perused and it is considered that the settlement is in the interest of the workmen as it has given re-employment to all the four workmen with certain other facilities. It is also in the interest of the management as it would create harmonious relations between both the parties and will also create peaceful atmosphere in this industry. Therefore, it is attested and verified and placed on record. The dispute has been resolved by both the parties by mutual settlement.

10. Therefore, an Award is passed as per settlement that the opposite party will give re-employment to all these four workmen i.e. Sarvashri Gajbir Singh Soda, Ram Chandar, Phool Chand and Om Prakash workmen on above given terms.

11. Let the Award be published under Section 17(1) of the Industrial Disputes Act.

M. D. CHOUDHARY, Presiding Officer
[No. L-43011/3/75-D IV-B/D III-B]

New Delhi, the 31st October, 1979

S.O. 3738.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Madras in the industrial dispute between the employers in relation to the management of M/s Salem Magnesite Private Limited and their workmen, which was received by the Central Government on the 16th October, 1979.

BEFORE THIRU T. SUDARSANAM DANIEL, B.A., B.L.
PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
MADRAS

(Constituted by the Government of India)

Industrial Dispute No. 42 of 1978

[In the matter of the dispute for adjudication under section 10(2) of the Industrial Disputes Act, 1947 between the workmen and the Management of M/s Salem Magnesite Private Limited, Salem].

BETWEEN

The workmen represented by :

1. The Secretary, Magnesite Workers' Union, Mamangam, Salem-636005.
2. The Secretary, Salem District Magnesite Labour Union, Durumangalam, Salem
3. The President, Magnesite National Labour Union, Mamangam, Salem-636005.

AND

Messrs Salem Magnesite Private Limited,

P.B. No. 762, Hasthampatti Extension, Salem-7(S.1)

REFERENCE :

Order No. L-27025/3/78-D.III.B, dated 17th June, 1978 of the Ministry of Labour, Government of India.

This dispute coming on for final hearing on Friday the 31st day of August, 1979 upon perusing the reference, claims and counter statements and all other material papers on record and upon hearing Thiru K. Chandru, Advocate for Union No. 2, Thiru M. Kalyanasundaram, President of Union No. 3 and Thiruvalargal M. R. Narayanaswami, S. V. Ananthapadmanabhan and S. Jayaraman, Advocate for the management and Union No. 1 being absent and this dispute having stood over till this day for consideration, this Tribunal made the following.

AWARD

This an Industrial dispute referred to this Tribunal by the Government of India in Order No. L-27025/3/78-D.III.B. Ministry of Labour, dated 17-6-1978 under section 10(2) of the Industrial Disputes Act, 1947 between the workman and the Management of Salem Magnesite Private Limited, Salem-7 in respect of the following issue :

Whether the action of the Management M/s Salem Magnesite Private Limited, Salem in giving Notice dated 24-10-1977 under section 9A of the Industrial Disputes Act, 1947 was given to effect the working of the mine all the seven days in a week except on National & festival holidays and to provide weekly day of rest to different sets of workers on different days of the week instead of the present common weekly day of rest on Sunday is justified? If not, to what relief the workmen are entitled?

(2) Facts leading up to this industrial dispute are not in controversy. The Respondent is the Management of Messrs Salem Magnesite Private Limited, Hasthampatti Extension, Salem-7, Tamil Nadu State. It is a Company registered under the Companies Act. It is engaged in the mining operations. There are about 2,310 workers employed in the Respondent-Company in various positions. The Res-

pondent's Company is in existence for about 30 years. Ever since the inception of the Company the mining operations were done on six days in a week with a weekly holiday on Sunday. The Respondent-Management thought to fit the work for seven days a week and to have one batch of workers to work on Sunday with a holiday on some other day of the week and thus each set of workers will have a holiday for one day in week which may be a week day or a Sunday. Accordingly, the Respondent-Company issued a notice under Section 9-A of the Industrial Disputes Act on 24-10-1977 which is to take effect from 16-11-1977. However, the workers did not agree to the proposed change. Three Unions have filed separate claim statements, but they are united in this, viz., against the change proposed by the Respondent-Management. The workmen represented by three Unions are : Magnesite Workers' Union, Salem District Magnesite Labour Union and Magnesite National Labour Union, Mamangam, Salem District. The first union had filed the claim statement on 14-9-1978, the second union filed the claim statement on 2-9-1978 and the third union on 4-8-1978. The Respondent-Management filed their counter statement on 19-4-1979. Admittedly, the proposed change of weekly holiday as contemplated by the Respondent-Company never materialised and status quo of Sunday being weekly holiday was maintained during the conciliation proceedings and also during the pendency of the reference before this Tribunal. While so, the Respondent-Company has put an end to the mining operations with effect from 29-11-1978 and ever since no mining operations is carried on by the Respondent-Company. Respondent-Management has to close down the mining operations consequent on an order passed by the Central Government. These facts are not challenged by any of the three unions. Therefore, the entire dispute has become infructuous neither the workmen nor the Respondent-Company can be granted any relief at present.

(3) In the result, an Award is passed holding that no adjudication is made on the issue referred to because after the reference the entire dispute has become infructuous. In the circumstances, I direct the parties to bear their respective costs.

T. SUDARSANAM DANIEL, Presiding Officer.

[No. L-27025/3/78-D. III-B]

A. K. ROY, Under Secy.

Dated, this 5th day of October, 1979.

New Delhi, the 24th October, 1979

S.O. 3739.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (17 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta, in the Industrial Dispute between the employer in relation to the management of Sodepur Sub-Area of Eastern Coalfields Limited, Post Office Dishergarh, District Burdwan and their workmen which was received by the Central Government on 19th October, 1979.

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
CALCUTTA**

Reference No. 3 of 1977

PARTIES :

Employers in relation to the management of Sodepur Sub-Area of Eastern Coalfields Ltd.,

AND

Their Workmen.

APPEARANCES :

On behalf of Employers—Sri Biswaroop Gupta, Counsel, with Sri M. N. Kar, Advocate, and Sri S. M. Ashraf, Asstt. Chief Personnel Officer.

On behalf of Workmen—Shri S. N. Banerjee, Advocate.

STATE : West Bengal.

INDUSTRY : Coal.

AWARD

By Order No. L-19012/29/76-D. IIB dated the 7th February, 1977 the Government of India, Ministry of Labour, referred an industrial dispute existing between the employers

in relation to the management of Sodepur Sub-Area of Eastern Coalfields Ltd., P.O. Dishergarh, Distt. Burdwan and their workmen, for adjudication to this Tribunal. The Schedule to the order of reference reads as :

"Whether the management of Sodepur Sub-Area of Eastern Coalfields Ltd., P.O. Dishergarh, Distt. Burdwan were justified in superannuating S/Shri Bimala Shankar Roy-Chowdhury, Store Keeper and Kamala Kanta Khawas, Register Keeper with effect from 1-12-1975 from the service. If not to what relief were the workmen entitled?"

2. The concerned workmen Sri Bimala Shankar Roy Choudhury and Sri Kamala Kanta Khawas were workmen employed in the Sitalpur colliery in Sodepur Sub-Area of Eastern Coalfields Ltd., P.O. Dishergarh, Distt. Burdwan. The former was a Register keeper and the latter a Store Keeper. They were superannuated by the management of Sitalpur colliery with effect from 1st December, 1975 on the basis that their year of birth was 1914 and the age of superannuation is 60 years. In fact, the management's case is that they should have been retired much earlier.

3. In the written statement filed on behalf of the concerned workmen it is stated that their dates of birth are 7th January, 1919 and 19th April, 1919 respectively and therefore they were retired before retirement was due. Moreover, it has been pleaded that there is no rule or law by which the concerned workmen could be superannuated on attaining the age of 60 and the action of the management is, therefore, not justified. It is further stated that by reason of premature superannuation they have suffered loss in emoluments, particulars whereof have been stated in Annexure 'C' to the written statement.

4. In their written statement the employers have stated that Sitalpur Sub-Area of Eastern Coalfields Ltd. consists of a number of collieries. The order of reference which does not refer to any particular colliery of the said Sub-area is vague and therefore the Tribunal ought not to entertain it till the order of reference is properly amended. They have also challenged the locus standi of the concerned union to sponsor the dispute which is the subject matter of the reference.

5. I have ignored the technical defect in the order of reference by consent of parties and dealt with the order of reference on the basis that the concerned workmen were employed by the management of Sitalpur Colliery. The management also did not press the objection with regard to the locus standi of the Union to espouse the cause of the concerned workmen before the Tribunal.

6. Two issues arise in this case, (i) what, if any, is the age of superannuation and (ii) have the concerned workmen been superannuated prematurely having regard to the age of superannuation which governed their service conditions?

7. The concerned workmen were employees of Bengal Coal Company Ltd., prior to nationalisation of coal mines. There is no evidence as to the age at which the Bengal Coal Company Ltd. retired their workmen. It was contended on behalf of the concerned workmen that no age of retirement was specified in the relevant Standing Orders by which they were governed. The management relied on the relevant provisions of the Payment of Gratuity Act and contended that the age of retirement was 58 until the age was enhanced from 58 to 60 by the Chief of Administration, Coal Mines Authority Ltd. by an office order dated 24th April, 1974, Ext. M-10. The order reads as follows :

"The Chairman has been pleased to enhance the retirement age from 58 to 60 years in respect of workmen in the Coal Mines Authority Ltd., including NCDC Ltd. who are in the Wage Board Scale of Pay. This will not, however, be applicable in the case of NCDC workmen who are in the CPC scales of pay, or governed by the Civil Rules or Railways Rules, i.e. the workmen not governed by the Wage Board scales of pay would retain their existing retirement at the age of 58 years."

It seems to me that it is not necessary to go into the question whether Sub-section (r) of Section 2 of the Payment of Gratuity Act by which superannuation in relation to an employee means the attainment by the employee of such age as is fixed in the contract or condition of service as the age of the attainment of which the employee shall vacate the employment and

in any other case, the attainment by the employee of the age of 58 years. The office order by which the age of superannuation was enhanced to 60 years is binding on the concerned workmen. On the basis of the said Office order I hold that the age of retirement in the present context is 60 years. I may add that basically the attitude of the workmen in the present dispute has been that they had not attained the age of 60 at the time of retirement and therefore the retirement was premature. Learned Counsel appearing on behalf of the management pointed out that this was also the stand taken by the Union before the Conciliation Officer.

8. As regards the other issue, that is to say whether the concerned workmen were made to retire before they attained the age of 60, I may refer to the relevant documents. In the B form register at Sl. no. 221 and Sl. no. 252, Exts. M-9 and M-9(a), the year of birth of both the concerned workmen is recorded as 1914. These entries were signed by the concerned workmen themselves and they are of considerable antiquity. In the Pay Book Issue Register of 1962 there are entries at pages 65 and 68 in which the year of birth of the concerned workmen is recorded as 1914, Exts. M-8 and M-8(a). These entries also are signed by the concerned workmen. In the Service Card of Shri Bimala Shankar Roy Chowdhury, Ext. M-4 which bears his signature, the year of birth is shown as 1914. It appears to have been prepared on 8th June, 1951. The Identity cards of the concerned workmen, marked Exts. M-5 and M-6, which contain their signatures, the year of birth is shown as 1914. These Identity cards appear to have been issued in 1957. These are all old records and their authenticity is not in dispute.

9. Two certificates of age were tendered on behalf of the concerned workmen at the hearing of the reference. One is a certificate purported to have been given by the Headmaster of Searsole Raj High School. It bears the date 22nd March, 1969, Ext. W-3 and reads as :

"This is to certify that Shri Bimalashankar Roy Choudhury son of Late Sashibhusan Roy Choudhury had been a student of this School and that he read upto Class X (ten). His date of birth as per this School record is the 7th day of January 1919."

The other certificate appears to have been given by the Headmaster of Panchanantala High School certifying that the date of birth of Sri Kamala Kanta Khawas as per school records is 19th April, 1919. The certificate is marked as Ext. W-5. The text of the certificate is as follows :

"This is to certify that Sri Kamala Kanta Khawas son of Promotha Nath Khawas, Village Sanctoria P.O. Dishergarh, Distt. Burdwan was the student of this school in the year 1936. He passed the examination of Class VIII. He bears a good moral character. His date of birth as per School Record is 19th April, 1919."

This certificate has been issued to him on the basis of his application to produce the certificate in the office of Sitalpur Colliery (Coal Mines Authority Ltd.)."

10. These two certificates were only formally proved by the concerned workmen. They proved the signatures of the Headmasters and deposed to the effect that they themselves contacted their schools and obtained the certificates from the Headmasters. Sri Roy Choudhury also deposed that the certificate is in the handwriting in the Headmaster himself. Mr. Biswaroop Gupta, appearing on behalf of the employers, objected to the admission of these documents as exhibits and further contended that the truth of the contents of the certificates has not been established. Opportunities were given to the concerned workmen to call the Headmasters as witnesses to establish by evidence the statements made in the certificates and also to produce school records on the basis of which these certificates are purported to have been issued. No records were produced nor did either of the Headmasters come to verify the contents of the certificates before the Tribunal. No reason was given as to why the Headmasters were not available to depose before the Tribunal. In these circumstances, I must hold that what has been stated in the certificates has not been proved although the certificates have gone in as formal exhibits.

11. The only other document on which Sri Khawas has relied is a declaration made and signed by him on 2nd May, 1949 in connection with his membership of the Coal Mines Provident Fund, Ext. W-7. There he appears to have declared the month and the year of his birth as May, 1920. No such declaration was available in the case of Sri Bimala Shankar Roy Choudhury. In this connection reference may be made to the letter dated 29th April, 1976 from the Assistant Commissioner, Office of the Regional Commissioner, Coal Mines Provident Fund to the Regional Labour Commissioner (Central), Asansol, Ext. M-13. The letter is in the following terms :

"Sir,

With reference to your letter No. 1/51/76-E. 2 dated the 5th April, 1976, on the above subject, I am to say that declaration in Form 'A' (Nomination) which contains the information like date of birth, etc. of members of the Fund in respect of Shri Bimala Shankar Roy Chowdhury does not appear to have been submitted to this office. Although such declarations in Form 'A' in respect of Sri Kamala Kanta Khawas and Smt. Bela Samajdar are available, they do not appear to be free from doubt and as such they are not acceptable in this office. In the circumstances, it is regretted, we are not in a position to furnish date of birth of members whose declarations (nominations) in Form 'A' are not acceptable."

In this connection I may refer to the evidence of Sri Nitai Kumar Mitra. He produced a typed notesheet dated 20th April, 1976 and deposed that the note had been prepared and signed by him and submitted to the Regional Provident Fund Commissioner. In that note he expressed doubt of the authenticity of the form because it appeared to him to be too fresh a document to be 30 years old. The notesheet has been marked Ext. M-14.

12. On behalf of the management, Sri S. P. Sarkar, a Document Analyst, examined certain documents which contained the signatures of Sri Khawas with reference to the Provident Fund Declaration which has been made Ext. W-7. Sri Khawas subscribed his signatures on two blank papers at the hearing of the case. These were made Exts. W-8 and W-8(a). Sri Sarkar also examined the Identity Card, Ext. M-6. The Report of Sri S. P. Sarkar, Document Analyst, in the form of an opinion has been made Ext. M-15. In his conclusion he said, "I am of definite opinion that the signature M-6 is the oldest one, the signature W-8 is the latest one and the signature W-7 is an execution in between those two signatures and is nearer to the signature of W-8. If we believe the date of production of the signature on M-6 is 1957 the signature on W-7 can not be a production of 1949 but of a time several years after 1957." I may add that Sri S. P. Sarkar gave evidence before the Tribunal and offered himself for cross-examination. Too much reliance can not be placed on the opinion of the Document Analyst but it is a fact that he expressed a definite view that if M-6 is of 1957 and there is no reason to doubt that it is, the Declaration signed by Sri Khawas in connection with Provident Fund which is purported to be of 1949 cannot be of 1949. Speaking for myself, it seems to me that the document has a freshness which one does not expect in a document which is 30 years old. I do not however wish to base my decision on the opinion of the Document Analyst or on my eye estimation. It will be safer to go by the entire body of evidence in deciding the issue with which I am concerned.

13. On behalf of the concerned workmen reliance was placed on a circular issued by the Chief Personnel Officer on 25th July, 1974 to the Sub-area Manager which has been made Ext. W-1. On the question of proof of age it was stated that no one can dispute the age recorded in school certificate and where such certificate is available the age must be accepted. As in this case the statements made in the school certificates have not been proved the circular is hardly of any assistance. It was also stated in the circular that as the Payment of Gratuity Act provides that age in P.F. records will be accepted as proof, it will be lawful to rely on such records. I shall presently deal with the Provident Fund papers which have been made exhibits in this case.

14. On behalf of the management it was stated that the circular dated 25th July, 1974 was subsequently replaced by a circular dated 2nd January, 1976. Ext. M-1, issued after

the superannuation of the concerned workmen. There it is stated :

"In this connection we have already circulated that 'B' Form record will be accepted as proof of age. In case of a discrepancy between 'B' Form record and the record in C.M.P.F. Office, a responsible officer should be deputed to C.M.P.F. Office and after satisfying that there is no interpolation therein, the C.M.P.F. record may be accepted as final proof of age. No other document, except Matriculation certificate where available, will be accepted as proof of age."

As the truth of the contents of the school certificates has not been established by evidence, it only remains for me to deal with the Provident Fund declaration made by Sri Khawas. Apart from the school certificate on which I am unable to rely for the reasons I have given, all other documents relating to the age of the concerned workmen are definitely against the tenor of the Provident Fund declaration. All these documents have recorded the year of birth of the concerned workmen as 1914. They are signed by the concerned workmen themselves in English. There is evidence that they had a reasonably good school education. They read in the High School upto a certain standard. It may be pertinently asked if Khawas declared his month and year of birth as May, 1920 in the year 1949 why should he declare his year of birth as 1914 in the Pay Book Issue Register of 1962? It is equally pertinent to ask why in the Identity card, which is of 1957 he should accept his year of birth as 1914. I do not believe that he was signing blank papers. In these circumstances, so far as Sri Khawas is concerned the entire weight of documentary evidence is against acceptance of the year of birth as recorded in the Provident Fund declaration. It is interesting to note that there is competition between three different years of birth. According to the B form register, the Pay Book Issue register, the Identity card and the Service Card, the year of birth is 1914. According to the school certificates the year of birth is 1919. In the written statement the year of birth of Sri Khawas is said to be 1919 and not 1920. Then according to the Provident Fund declaration the year of birth is given as 1920. As regards Sri Roy Choudhury, no Provident Fund declaration is available and none has been tendered. Therefore it is not necessary to deal with his provident fund papers if there were any.

15. It remains for me to add that the concerned workmen deposed before the Tribunal at the hearing. By oral evidence the documents have been proved or explained. Independently of the documents, the oral evidence has been of little assistance in this case. I therefore do not propose to deal with the oral evidence as that evidence is merely a refutation of the documentary evidence which I have already dealt with.

16. To sum up, it seems to me that the evidence in this case which is essentially documentary in character is overwhelmingly in favour of holding that the year of birth of the concerned workmen is 1914. In that view of the matter, I hold that the concerned workmen have been duly retired on attaining the age of 60 which is the age of superannuation.

17. In the view I have taken, I hold that the management of Sodepur Sub-Area of Eastern Coalfields Ltd., P.O. Dishergarh, Dist. Burdwan were justified in superannuating S/Shri Bimala Shankar Roy Chowdhury, Store Keeper and Kamala Kanta Khawas, Register Keeper with effect from 1-12-1975 from service and the workmen are not entitled to any relief.

Dated, Calcutta,

the 8th October, 1979.

S. K. MUKHERJEA, Presiding Officer

[No. L. 19012(29)/76-D. III(B)/D. IV(B)]

SHASHI BHUSHAN, Desk Officer

New Delhi, the 25th October, 1979

S.O. 5740.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta in the Industrial Dispute between the employers in relation to the management of Girimint Colliery of Eastern Coalfields Limited, Post Office Charanpur, District Burdwan and their workmen which was received by the Central Government on 23rd October, 1979.

GOVERNMENT INDUSTRIAL TRIBUNAL : CALCUTTA

Reference No. 18 of 1978

PARTIES :

Employers in relation to the management of Girimint Colliery of Eastern Coalfields Limited,

AND

Their Workmen.

APPEARANCES :

On behalf of Employers—Sri N. Das, Advocate.

On behalf of Workman—Sri A. K. Lal Gupta, Advocate

STATE : West Bengal

INDUSTRY : Coal

AWARD

By Order No. L-19012(10)/76-D-III(B)-D-IV(B) dated 31st January, 1978, the Government of India, Ministry of Labour, referred an industrial dispute existing between the employers in relation to the management of Girimint Colliery of Eastern Coalfields Limited and their workmen, to this tribunal, for adjudication. The Schedule to the Order of reference reads as :

"Whether the action of the management of Girimint Colliery of Eastern Coalfields Limited in denying Category-V placement in their respective trades to Sarvashri B. B. Roy, Jagdish Karmakar, Mechanical Fitters, A. K. Chatterjee, Electrician and R. P. Prasad, Mechanical Fitter, with effect from 1-5-73 is justified? If not, to what relief are the concerned workmen entitled?"

2. At the hearing of the reference the claim of one of the concerned workmen, Sri R. P. Prasad was not pursued on behalf of the Union and a submission was made that no adjudication was necessary as regards him. The tribunal is, therefore, concerned in this reference with the remaining three workmen.

3. By three letters of appointment all of 10th April, 1968 the concerned workmen were appointed as trainees on certain terms and conditions which appear in the letters of appointment. The training course was of four years. At the end of each year the trainees were required to appear at a trade test in respect of the syllabi for each year. These syllabi were annexed to the letters of appointment. It may be stated that these letters of appointment are in identical terms. The concluding paragraph of the syllabus for the fourth year trainees provides as follows :

"After completion of the fourth and last year of the training, the trainees will be trade-tested and then interviewed by the D.S.E. of the Group who will recommend whether each trainee should be considered to have gained sufficient knowledge in his trade and should be considered to have passed the final trade-test and may be promoted as Electrical Improver or Electrician (Cat. VII) depending on the number of Parts of Workman's Permits obtained by the trainee. Questions on the Coal Mines Regulations applicable to Electricians should be included in the theoretical test."

Although Sri B. B. Roy and Sri Jagdish Karmakar are Fitters and A. K. Chatterjee is an Electrician, there is no dispute that the said terms and conditions were equally applicable to each of them.

4. The concerned workmen successfully passed the final trade test after the completion of the last year of their training in 1972 and were appointed by their erstwhile employers, Bengal Coal Company Limited, as helpers and were placed in Category II. After nationalisation of coal mines Sri B. B. Roy was placed in Category IV as per Wage Board recommendations with effect from 21st Jan. 1973 as a Fitter. Sri Jagdish Karmakar and Sri A. K. Chatterjee were subsequently placed in Category IV as Fitter and Electrician with effect from 1st May, 1973. These workmen are still in category IV. They claim that after they had passed the final trade test and the management of their erstwhile employers chose to appoint them, they should have been placed in Category VII as it then existed which is equivalent to the present Category V as per Wage Board recommendations. They based their claim on the terms and conditions on which they were appointed as trainees as also on the basis that other workmen similarly circumstanced have been placed in Category V and therefore in placing them in Category IV the present management has treated them with discrimination. The letters of appointment dated 10th April, 1968 and the annexed syllabi have been made Exts. W-1, W-2, and W-3. The letter of appointment by which one of the concerned workmen Sri Ajit Kumar Chatterjee was appointed as Electrical helper with effect from 1st June, 1972 in category II has been made Ext. W-4. It is common case that the letters of appointment under which Sri B. B. Roy and Sri Jagdish Karmakar were appointed as helpers in category II were in similar terms.

5. On behalf of the management, Sri Nityananda Gautam, at present Agent of Girimint and Adjal Second colliery deposed at the hearing. Prior to his present assignment he was Manager of Girimint Colliery from 1972 upto October, 1977. He said that the concerned workmen had completed their training before the take over of mines and were employed as helpers in category II. After the take over B. B. Roy was placed in category IV as Fitter from the date of take over and the other two were placed in category IV with effect from 1-5-73. He relied on a list of categorisation of six workers of Girimint colliery duly approved by the Area General Manager which was received by the Manager, Girimint Colliery under a covering letter dated 12 April, 1974, Ext. M-1. All these six workmen including Jagdish Karmakar and A.K. Chatterjee were placed in category IV. Mr. Gautam deposed that subsequently Swapna Kumar Banerjee was promoted to category V by the Departmental Promotion Committee. He expressed the opinion that in order to be placed in category V the concerned workmen have to be promoted by the Departmental Promotion Committee which has not been done as yet. He further stated that at the colliery level, there are no vacancies in category V as there are fitters both in category IV and in category V. In answer to a question put to him by the Tribunal, he said that it is permissible to place a fitter who is in category IV into category V provided two conditions have been satisfied, one being that the person concerned satisfied the norms declared by the higher authorities and the other being that he has achieved skill in his trade and has passed the trade test. He explained that by norms he intended to mean that the higher authorities appoint Committees from time to time to give their judgement having regard to the skill and experience of the workman concerned. They frame certain guide lines. He admitted that there were no norms on 1st May, 1973. The norms were formulated later but they were given effect from 1-5-73. He deposed that the old category VII is now equivalent to category V. Mr. Gautam said that if the norms had been violated no question of vacancy arise. If a man has been wrongly placed in category IV in violation of the norms the matter can be rectified by placing him in category V irrespective of any vacancy.

6. Bidyut Roy, Ajit Kr. Chatterjee and Jagdish Karmakar, the workmen concerned, deposed at the hearing. The tenor of their evidence was similar. Roy said that it terms of his letter of appointment as trainee, on passing the final trade test examination he was entitled to be placed in category VII as Mechanical fitter. He was neither placed in category VII nor was he given the designation of mechanical fitter. He was placed in category II as mechanical helper. He made representations to the Manager and the Manager promised to refer the matter to people higher up. Nothing happened. Some of the trainees in Ponihati workshop agitated and as a result they were placed in category V. That happened in 1973.

7. On 31st January, 1973 he was placed in category IV and designated as mechanical fitter. S.K. Banerjee and S. K. Sarkar who were junior to him by one year had been posted

in category V from category IV. He deposed that it is not a fact that the terms and conditions of service of those working in Ponihati workshop were different from his. The concerned workmen were claiming to be placed in category V with effect from 1st May, 1973 because the Ponihati trainees were given the benefit from that date.

*. Sri Ajit Kr. Chatterjee said that he knew Sri S. K. Banerjee. Banerjee is junior to him. He also appeared in the trade test. After passing the test he was placed in category I and then in category V. He was in category I only for about two or three months. The colleagues of the concerned workmen in Ponihati workshop were placed in category II and thereafter they were promoted to category V. The terms and conditions of Ponihati workshop trainees and their terms and conditions were the same. In cross-examination he said that after final trade test Banerjee was placed in category V. There was no test held for promoting him from category I to category V. 1969 trainees were all, excepting one, were placed in category V. Most of those trainees were Matriculates. He had passed School final examination. He denied that fresh trade test was taken for the trainees of 1969 in 1973 nor did he admit that on the basis of that trade test those trainees were placed in categories IV and V.

9. One Rangalal Sharma, a machine man in Ponihati workshop gave evidence. He said that the letter of appointment of Ponihati workshop trainees and the letter of appointment of the concerned workmen were similar. He was placed in Category V from 1973. He passed the trade test in the same year as the concerned workmen did. At present he is in category VI. In cross-examination, he said that he was trained in the workshop and not in the mine. The concerned workmen were trained in the mine. His designation was machine helper in category II. In category V he was machine man. His positive case was that he did not have to pass any test except the one he did as a trainee.

10. The case for entitlement of the concerned workmen to be placed in Category V rests largely on the interpretation of the last clause of the syllabus for the fourth year trainees which I have already set out. It is provided by the said clause that on passing final trade test the trainees may be promoted as electrical Improver or Electrician (category VII). I have already stated that there is no dispute that the syllabus is equally applicable to all the concerned workmen. The question is whether in the context of their original letters of appointment as trainees and the syllabi, the term "promoted" should be understood as 'appointed'. The terms on which a trainee is appointed are ordinarily expected to make some provision for the prospect of his appointment. It is not easy to understand why there should be a provision for promotion before a trainee is absorbed in the employment of the undertaking where he is undergoing a period of training. It is common case that the management of Bengal Coal Company Ltd. which appointed the concerned workmen as trainees by the letters of appointment dated 10th April, 1968 were under no obligation to absorb them in their employment on their passing the final trade test. They might or might not be employed. The management did not commit themselves to employ them at all. That is the reason why, in my opinion, the word 'may' has been used in the clause under review. If however, they are absorbed in the services of the management after they have successfully undergone the final trade test, they have to be appointed in Category VII, then in existence. Strictly speaking, trainees are not employees at all. If a trainee is however absorbed in service or, in other words if he is appointed as a regular workman, he is promoted from the status of a trainee to the status of an employee. To my mind, an advancement in the status from trainee to regular employee may well be described as promotion. Otherwise there does not seem to be any sense in talking of promotion of a trainee at a stage when his appointment as a regular workman is problematic. I am therefore of opinion that on a fair and proper construction of the clause the words "may be promoted" should be taken to mean "may be appointed" and if a trainee, after passing the final test is appointed at all, he is entitled to be appointed in Category VII. There is no dispute that Category VII as it then was, is Category V under the Wage Board recommendations. That is the evidence not only of the concerned workman but also of Mr. Nityananda Gautam, the Agent of Girimint/Adjai Second colliery and the erstwhile Manager of Girimint colliery. Bengal Coal Com-

pany Ltd., the erstwhile employers of the concerned workmen placed them in Category II when they were absorbed in their service and designated the concerned workmen as helpers. The wrong done by the erstwhile employers to the concerned workmen who had undergone four years of systematic training should be righted not only in fairness and equity, but also under the terms and conditions on which they were accepted as trainees. Sri Bidyut Roy, one of the concerned workmen stated that the concerned workmen are claiming to be placed in Category V with effect from 1st May, 1973 because the Ponihati trainees have been given that benefit from that date. There is evidence that fresh categorisation by the Coal Mines Authority Ltd. took effect from 1st May, 1973. That is a convenient date. Mr. Gautam has stated in his evidence that if the norms have been violated there is no question of vacancy. If a man has been wrongly placed in category IV in violation of the norms, the matter can be rectified by placing him in category V irrespective of any vacancy. I therefore do not see any insuperable objection to placement of the concerned workmen in category V with effect from 1st May, 1973. Fitters and Electricians figure in category IV as well as category V in the Scheme of the Wage Board Recommendations.

11. There is a comparatively minor issue raised on behalf of the concerned workmen, namely, one of discrimination. It was said by Bidyut Roy that S. K. Banerjee and S. K. Sarkar who were junior to him by one year have been promoted to category V from category IV. It appears from Ext. M-1 that on 31st May, 1973 Banerjee and Sarkar were placed in category IV along with A. K. Chatterjee and Jagdish Karmakar, two of the concerned workmen. Banerjee and Sarkar passed the same trade test as the concerned workmen did. There is also no evidence that they had to pass any further test before they were promoted to category V. Rangalal Sharma stated in his evidence that he was placed in category V from 1973 and he did not have to pass any test except the one he did as a trainee. It is also his evidence that the concerned workmen passed the same trade test in the same year as he did. Mr. Gautam, the Manager of the colliery from March 1972 to October, 1977 said that as far as he remembered Banerjee and Sarkar were promoted to category V by the Departmental Promotion Committee. That may be so. Decision on the question of promotion is a managerial function and I do not suggest that the management is in duty bound, without anything more, to promote the concerned workmen from category IV to category V as a matter of course, though it is to be expected that the management should exercise its discretion in the matter of promotion fairly and equitably. I prefer to base my award on a fair and reasonable consideration of the last clause in the fourth year syllabus of the concerned workmen as trainees. For the reasons I have given, I hold that if appointed in service at all after the trainees passed the final trade test, they were entitled to be appointed in the then category VII, which is the same as the present category V. As the concerned workmen were taken in the employment of the erstwhile management, they were entitled to be placed in Category VII and are therefore entitled to be placed in Category V by the present management. I am, therefore, of the view that the three concerned workmen, namely, Sri B. B. Roy, Jagdish Karmakar and A. K. Chatterjee should be placed in Category V with effect from 1st May, 1973 and should be given all arrears rising out of the difference of wages, etc. and all other benefits, Bonus, Gratuity, etc., should also be made available to them from that date.

12. I therefore answer the reference as follows : The action of the management of Girimint colliery of Eastern Coalfields Limited in denying Category V placement in their respective trades to Sri B. B. Roy, Jagdish Karmakar, mechanical fitters and Sri A. K. Chatterjee, Electrician with effect from 1-5-73 is not justified. Therefore the said three concerned workmen are directed to be placed in Category V with effect from 1st May, 1973 and be given all arrears arising out of difference of wages, etc., and all other benefits of Bonus, Gratuity, etc. should be paid to them with effect from the said date.

Dated, Calcutta,
the 15th October, 1979.

S. K. MUKHERJEA, Presiding Officer

[No. L-19012(10)]76-D.III(B)]D.IV(B)]

NAND LAL, Desk Officer

New Delhi, the 27th October, 1979

S.O. 3741.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following Award of the Central Government Industrial Tribunal, Calcutta in the Industrial Dispute between the employers in relation to the management of Nag's Kajora Jambad Unit of Khandra Colliery of Eastern Coalfields Limited, District Burdwan which was received by the Central Government on 25th October, 1979.

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL :
CALCUTTA**

Reference No. 14 of 1978

Employers in relation to the management of Nag's Kajora Jambad Unit of Khandra Colliery of Eastern Coalfields Limited.

AND

Their Workmen.

PRESENT :

APPEARANCES :

On behalf of Employers.—Sri S. K. Acharya, Deputy Personnel Manager.

On behalf of Workmen.—Sri Arun Gupta.

STATE : West Bengal

INDUSTRY : Coal Mine

AWARD

By Order No. L-19012(9)/77-D-IV(B) dated 7th December, 1977, the Government of India, Ministry of Labour, referred an industrial dispute existing between the employers in relation to the management of Nag's Kajora Jambad Unit of Khandra Colliery of Eastern Coalfields Limited and their workmen to this Tribunal, for adjudication. The Schedule to the order of reference reads as :

"Whether the action of the management of Nag's Kajora Jambad Unit of Khandra Colliery in terminating the services of Shri Khora Majhi, Dresser with effect from 28-6-1976 is justified? If not, to what relief is the concerned workman entitled?"

2. The concerned workman was a workman employed by the management of Nag's Kajora Jambad Unit of Khandra Colliery of the Eastern Coalfields Limited. His services were terminated by the management with effect from 28th June, 1976 on a charge of unauthorised absence from duty over a long period of time. In this reference which is directed against the order of termination, the case of the concerned workman has been espoused by the Ningha Colliery Mazdoor Union.

3. It appears that a chargesheet by which the concerned workman was charged with unauthorised absence from duty with effect from 1st January, 1976 was sent to the concerned workman by registered post. The address on the cover was written as Sri Khora Majhi, Vill. Sonajuri, P. O. Jagdishpur, District Madhupur. The registered cover was returned unserved with an endorsement of the post office "addressee left, returned to sender". It appears from a copy of the chargesheet which has been made Ext. M-4 that the chargesheet was dated 26th March, 1976. It was posted on 10th April, 1976. By the chargesheet the concerned workman was directed to explain in writing within three days of receipt of the letter why disciplinary action should not be taken against him for absenting himself without permission. Thereafter a notice of enquiry dated 4th May, 1976, Ext. M-3, by which the concerned workman was sought to be intimated that an enquiry into the charge of unauthorised absence was going to be held on 8th May, 1976 was posted on 5th May, 1976. No acknowledgement was received back by the management. The enquiry due to be held on 8th May, 1976 appears to have been postponed. Thereafter, another notice of enquiry dated 20th May, 1976, Ext. M-5, was sent to the concerned workman by registered post intimating that the enquiry was to be held on 28th May, 1976. This notice was posted on 24th May, 1976. No acknowledgement was received back on this occasion either. Thereafter an ex-parte enquiry was held by the Enquiry Officer. By a short enquiry Report dated 8th June, 1976, Ext. M-1, the Enquiry Officer

found the concerned workman guilty of the charge brought against him. By a letter dated 3rd June, 1976, that is to say, before the Enquiry Report was written and signed by the Enquiry Officer, the Manager, Khandra colliery recommended to the Sub-area Manager that the enquiry had been held and the charges alleged against the concerned workman had been fully established. He made recommendations for his termination of service, Ext. M-9. Thereafter by a letter dated 29th June, 1976, Ext. M-10, the Manager Khandra colliery informed the concerned workman that his services had been terminated with immediate effect.

4. A preliminary objection was taken against the maintainability of the reference on the ground that the Union which has sponsored the dispute has no representative character. By an order dated July 18, 1979 this tribunal held that the Union was and is competent to sponsor the dispute and the reference is maintainable. A copy of the said order is annexed hereto and marked with the letter 'A' as part of this award.

5. At the hearing of the reference on merits Sri Prasanta Chandra, Enquiry Officer and Sri T. C. Mallick, Manager, Khandra colliery gave evidence. Sri Mallick tendered the relevant entry in the 'B' form register in respect of the concerned workman, Ext. M-6. His address as recorded there is Vill. Sonajuri, P. O. Jagdishpur, Dist. Doomka, P. S. Madhupur.

6. A point was taken on behalf of the concerned workman that the addresses on the envelope in which the chargesheet and two notices of enquiry were sent were not strictly in accordance with the address of the concerned workman as recorded in the 'B' form register. It is quite clear that there is a minor discrepancy. Be that as it may, the name of the Post office which is Jagdishpur, has been correctly given although in place of District Doomka, the District has been shown as Madhupur, a neighbouring town which is the relevant Police station. In the two notices of enquiry again the district has been given as Madhupur in one case and S. P., i.e. Santhal Paraganas in the other. These discrepancies are inconsequential and it is difficult to imagine that the Post office was unable to deliver those letters. The names of the village and the Post office were correctly given. In these circumstances, I am of opinion, that there is no substance in the objection on the score that the letters were sent to a wrong address.

7. Be that as it may, the charge sheet was admittedly returned unserved, the addressee having left. The management did not try to serve another copy of the chargesheet. They sent two notices of enquiry. It is however quite clear from a consideration of the relevant dates that the notices sent by registered post could not have reached the concerned workman in the usual course before the dates of enquiry. In one case, the notice was posted on the 5th May, 1976 and the enquiry was scheduled to be held on 8th May, 1976. It is extremely unlikely that the letter could have reached the concerned workman before the date of enquiry which was fixed on 8th May, 1976. In any event, the workman could not have received anything like a reasonable notice prior to the holding of the enquiry. The enquiry however was not held on 8th May, 1976. The next notice of enquiry was sent by registered post, on the 24th of May, 1976 and the date of enquiry was fixed on 28th May, 1976. Here again it was extremely unlikely that the notice reached the concerned workman before the date of enquiry. This notice was again not a reasonable notice. In that view of the matter, I am constrained to hold that these notices of enquiry are bad in law and not in conformity with the principles of natural justice. The concerned workman does not appear to have been given a reasonable opportunity to defend himself by reason of not having received the notices in good time. Moreover, he had not been served with a chargesheet at all.

8. On the question of punishment, a very strange thing appears to have happened. The enquiry report which is in the handwriting of the Enquiry Officer was signed by him on 8th June, 1976. Before the enquiry report was written and signed by the Enquiry Officer, the Manager in his letter dated 3rd June, 1976 to the Sub-Area Manager told him that the Enquiry Officer had found against the concerned workman. On that basis he recommended termination of his services. This is a gross irregularity. On that day, there was

no Enquiry Report in existence. In these circumstances, I hold that the order of termination was bad in law having been influenced, as it must have been, by the recommendation of the Manager to the Sub-area Manager for termination of the services of the concerned workman at a time when the enquiry Report was still in the offing.

9. At the hearing it was claimed on behalf of the concerned workman who did not depose before the Tribunal that he was a permanent workman. On behalf of the management it was submitted that he was not a permanent workman but only a badli. In this reference, the tribunal has not been invited to determine the status of the workman and therefore no such determination has been made. In directing the reinstatement of the concerned workman I do not intend to decide his status. The management is directed to reinstate him in the same capacity in which he was employed at the time of termination of his service. As regards back wages, I have taken note of the fact that the concerned workman has not given any evidence as to whether he found employment after his termination of service and if so, what was the nature of his employment and what he has earned. I have also taken notice of the notorious fact that collieries are incurring huge losses. I therefore propose payment of 3/4th of his back wages, if any that is to say, 3/4th of the wages he would have earned in the capacity in which he was employed.

10. I desire to add that no application was made on behalf of the management, oral or otherwise, to adduce fresh evidence to prove the charge against the concerned workman.

11. The reference is, therefore, answered as follows : The action of the management of Nag's Kajora Jambad Unit of Khandra colliery in terminating the service of Khera Majhi, Dresser with effect from 28th June, 1976 is not justified. He is entitled to reinstatement in the same capacity in which he was employed on the date of termination of service i.e. on 28th June, 1976 and 3/4th of back wages and other emoluments, if any, to which he would have been entitled had his service not been terminated on the said date.

S. K. MUKHERJEA, Presiding Officer

Dated, Calcutta,

The 16th October, 1979

[No. L-19012(9)-D-IV(B)]

NAND LAL, Desk Officer

ANNEXURE 'A'

ORDER

18th July, 1979

A preliminary objection was raised against the maintainability of the reference on the ground that the Union which has sponsored the dispute has no representative character. In fact, the objection went further. It was contended that the Union was not in existence at the time when the dispute was referred for adjudication to this tribunal.

Evidence has been led on behalf of the Union. The membership register and counterfoils of subscriptions were tendered at the hearing. The General Secretary of the Union deposed at the trial of the preliminary issue. It transpires from the records that nearly 150 workmen of Nag's Kajora Jambad Unit of Khandra Colliery including the concerned workmen were members of the Union. At the material time the total strength of workmen in the colliery was in the neighbourhood of 600. This evidence has not been challenged. It appears therefore that nearly 25 per cent of the workmen of the colliery are members of the Union. The Genl. Secretary also deposed that the concerned workman authorised the Union in writing to espouse his cause and the Union by a resolution decided to sponsor the dispute. It may however be stated that neither the resolution nor the authority in writing has been produced at the trial. There is also evidence that the concerned Union has represented workmen of the colliery in more than one Reference in the past.

Having regard to the fact that evidence of the Genl. Secretary has not been contradicted in any material particular,

I accept his evidence in the absence of circumstances calculated to impugn it.

In that view of the matter, I am of opinion that the union was and is competent to sponsor the dispute and the Reference is maintainable.

The case is fixed for hearing on August 2, 1979.

S. K. MUKHERJEA, Presiding Officer

नई दिल्ली, 25 अक्टूबर, 1979

का० प्रा० 3742—केन्द्रीय सरकार राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयाग) नियम, 1976 के नियम 10 के उपनियम (4) के अनुसरण में, उक्त उप-नियम के उद्देश्यों के लिए श्रम मंत्रालय के प्रतर्गत निम्नलिखित संलग्न और प्रयोजनस्थ कार्यालयों के नामों को अधिसूचित करती है—

- (1) मुख्य श्रमायुक्त (केन्द्रीय) का कार्यालय, नई दिल्ली।
- (2) क्षेत्रीय श्रमायुक्त (केन्द्रीय) का कार्यालय, बम्बई
- (3) क्षेत्रीय श्रमायुक्त (केन्द्रीय) का कार्यालय, कानपुर
- (4) क्षेत्रीय श्रमायुक्त (केन्द्रीय) का कार्यालय, अजमेर
- (5) क्षेत्रीय श्रमायुक्त (केन्द्रीय) का कार्यालय, जयपुर,

[संख्या ई०-11017/3/79-म० एल० टी०]

एम० एम० सहस्रानमन, उप सचिव

New Delhi, the 25th October, 1979

S.O. 3742.—In pursuance of sub-rule (4) of Rule 10 of the Official Languages (Use for official Purposes of the Union) Rules, 1976, the Central Government hereby notifies the names of the following Attached and Subordinate offices under the Ministry of Labour for the purposes of that sub-rule :—

1. Office of the Chief Labour Commissioner (Central), New Delhi.
2. Office of the Regional Labour Commissioner (Central), Bombay.
3. Office of the Regional Labour Commissioner (Central), Kanpur.
4. Office of the Regional Labour Commissioner (Central), Ajmer.
5. Office of the Regional Labour Commissioner (Central), Jabalpur.

[No. E-11017/3/79-CLT]

S. S. SAHASRANAMAN, Dy. Secy.

New Delhi, the 26th October, 1979

S.O. 3743.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 3, Dhanbad, in the industrial dispute between the employers in relation to the management of South Tisra Colliery of Messrs. Bharat Coking Coal Limited, Post Office Khas Jeenagora, District Dhanbad and their workmen, which was received by the Central Government on the 17th October, 1979.

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT NO. 3 DHANBAD

Reference No. 21 of 1978

PARTIES :

Employers in relation to the management of South Tisra Colliery of M/s. Bharat Coking Coal Limited. P.O. Khas Jeenagora, Distt. Dhanbad.

AND

Their workman.

APPEARANCES :

For Employers.—Shri B. Joshi, Advocate.

For Workman.—Shri B. Lal, Advocate.

INDUSTRY : Coal.

STATE : Bihar

Dated, the 11th October, 1979

AWARD

The Govt. of India in the Ministry of Labour in exercise of the powers conferred on them U/S 10(1)(d) of the Industrial Disputes Act 14 of 1947 have referred the following dispute to this Tribunal for adjudication as per their Order No. L-20012/144/77-DIII(A) dated 28th February, 1978.

SCHEDULE

"Whether the action of the management of South Tisra Colliery of M/s. Bharat Coking Coal Limited, P.O. Khas Jeenagora, Distt. Dhanbad (Bihar), in stopping Shri Ishwar Dayal Nisad, Depot Supervisor from work with effect from 13th August, 1972, is justified? If not to what relief is the said workman entitled?"

The workman herein Shri Ishwar Dayal Nisad in his statement of claim states that he joined the service of Amar Singh Goamal South Tisra Colliery in the year 1944 as Depot Supervisor. He was concerned with the manufacture of soft coke. M/s. Amar Singh Goamal were paying him Rs. 1.60 paise for each tonne of soft coke manufactured. He says his name was duly entered in the Form B register at Sl. No. 7 in the Amar Singh Goamal Section. After the colliery was taken over by the Central Govt. with effect from 17-10-1971 the workman continued to work as Depot Supervisor. But after nationalisation his piece-rate wage was unilaterally reduced to 0.25 paise per tonne. He continued to work till the week ending 12-8-1972. With effect from 13-8-1972 his services were stopped without assigning any reason. He raised an industrial dispute with the management regarding the termination of his service. The dispute was later referred to the A.L.C.(C) Dhanbad for conciliation. The management took up the stand that the applicant was not a worker of their colliery but was only a contractor. The workman submits that the stand taken by the management is not correct. According to him since he was in the employment of M/s. Bharat Coking Coal Limited on the date of nationalisation viz. 1-5-1972 he should be deemed to be a workman of the nationalised company by operation of law. The workman prays that he may be reinstated with full back wages, continuity of service and other benefits.

The management filed their written statements stating that the workman herein was never an employee of theirs and therefore this reference is bad in law. It is also submitted that the workman is guilty of laches. When the dispute arose in 1972 the reference to the A.L.C.(C) Dhanbad was made on 17-5-1977. They say that the workman herein was one of the contractors of the former employer. On account of non-availability of contract job the workman's services could not be utilised from the month of June 1972. The workman realised the position and left the mine without any protest. It is said that five years after he left this mine he has come forward with this false case. They say that there is no post of Depot Supervisor. The loading of coal into wagons and trucks is under the charge of Loading Clerks. The wagon Loaders engaged in loading coal are also engaged for the purpose of stacking coal and manufacturing soft coke on the day when there is little or no work of wagon or truck loading. There is a post of a Loading Inspector/Loading Superintendent to supervise the work of Loading Clerk, Loading Munshi, Loading Chaprasis, Depot Chaprasis and Depot Guards. They further submit that a Depot Supervisor cannot be paid wages on piece-rate. A Supervisor cannot be a piece rated employee.

The workman filed a rejoinder to the written statement of the management. He asserted that the post of Depot Supervisor existed in many collieries. He denied the other averments made in the management's written statement.

The management in their rejoinder denied the averment that the workman was drawing a piece-rate of Rs. 1.60 paise per tonne. According to them a bill was being prepared in the name of the workmen engaged by the contractors at the rate of Rs. 1.60 paise per tonne. The amount so billed was being paid to the contractor for being disbursed among the workmen engaged by him. The contractor would retain a part of the wages towards his commission. The contractor would take the acquittance of all the workmen for the entire amount billed. They deny the averment that the workman was supervising the work of soft coke preparation, wagon loading etc. as Depot Supervisor.

On the above pleadings the points that arise for consideration are.—

(1) Whether Shri Ishwar Dayal Nisad is a workman or a contractor?

(2) To what relief?

Point (1).—The case of the workman is that he joined the services of Amar Singh Goamal South Tisra Colliery as a Depot Supervisor in 1944. After the colliery was taken over by the Govt. on 17-10-1971 he continued to work as Depot Supervisor till 12-8-1972 and that his services were dispensed with with effect from 13-8-1972 without disclosing any reasons whatever. He prays for reinstatement with full back wages. The management's contention is that the workman was never a regular employee of the former private owner Amar Singh Goamal South Tisra Colliery. They say he was only engaged on a contract basis for manufacture of soft coke. They also stated that for this purpose the workman would engage some labour of his own and from the wages payable to the workmen he would deduct some commission. They further stated that after nationalisation this practice of engaging private contractor for the purpose of manufacture of soft coke was given up and for this reason the workman could not be given any contract work thereafter. Shri B. Lal for the workman submits that the management should not be permitted to question the status of the workman when it is clearly given in the order of reference. He invites attention to the schedule to the order of reference which reads.—

"Whether the action of the management of South Tisra Colliery.....in stopping Shri Ishwar Dayal Nisad, Depot Supervisor from work with effect from 13-8-1972 is justified.....".

Reliance is placed upon the following passage from the decision reported in LLJ (I) 1967 S.C. page 423 (Delhi Cloth and General Mills Company, Ltd. and their workmen and others) for this proposition.—

"Apart from the consideration of the various decisions cited at the Bar, the view taken of issues (3) and (4) is that the third and fourth terms of reference are founded on the basis that there was a strike at Delhi Cloth Mills and a sit-down strike at Swatantra Bharat Mills and there was a lockout declared by the management of Delhi Cloth Mills on 24 February 1966. On this order of reference it was not competent to the workmen to contend before the tribunal that there was no strike at all and it was not open to the management to say there was no lockout declared by it. The cases discussed go to show that it is open to the parties to show that the dispute referred to was not an industrial dispute at all and it is open to them to bring out the ramifications of the dispute. But they cannot be allowed to challenge the very basis of the issues set forth in the order of reference. The parties cannot be allowed to contend that the foundation of the dispute mentioned in the order of reference was non-existing and that the true dispute was something else.

The tribunal had to examine issues (3) and (4) on the basis there was a strike at Delhi Cloth Mills unit and a sit-down strike at Swatantra Bharat Mills unit and there was a lockout declared in regard to Delhi Cloth Mills. It is for the tribunal to examine the evidence only on the question as to whether the strikes were justified and legal".

In my view the aforesaid decision does not support the contention of Shri B. Lal. At page 430 (ibid) the case

reported in 1966 (II) L.L.J. 194 S.C. (Syndicate Bank Vs. its workmen) is discussed. There the order of reference ran in the following terms :

"Whether the Canara Industrial and Banking Syndicate Limited, Udipi, is justified in imposing the condition that only such of those workmen would be considered for appointment as officer-trainee and promotion to probationary C rank officers who agree to be governed by the rules of the Bank applicable to such officers in respect of the scale of pay and other conditions of service? If not, to what relief are such workmen entitled?"

Before the Tribunal it was contended on behalf of the Bank that the aforesaid term of reference proceeded on the assumption that 'C' rank officers were officers of Bank while the workmen urged that the question whether 'C' rank officers were workmen was implicit in the aforesaid reference. The contention of the workmen was accepted. Similarly in this case also though the workman is described as a Depot Supervisor in the order of reference it is still open to the management to show that he was not a workman but only a contractor. Even before the A.L.C.(C) during conciliation proceedings the management contended that the workman herein was only a contractor as can be seen from the failure of conciliation report. In Ext. W-2 the statement submitted by the management to the A.L.C., during conciliation the same plea is taken. I hold that the mere description of the workman herein as a Depot Supervisor in the order of reference should not be taken as conclusive on the question of the workman's actual status.

It is not the case of the workman that though he was treated as a contractor by the erstwhile management, in fact he should be deemed to be a workman having regard to the nature of the work performed by him. On the other hand his case is that he was a permanent mazdoor of the former management. As WW-1 he stated that he joined service in Amar Singh Goamal South Tisra Colliery as a Shale Picker in 1944 and that after he put in 15 to 16 years of service in that capacity he was promoted to the post of Depot Supervisor. He asserted that his name was included in the list of permanent mazdoors. On this very basis the statement of claim is also prepared. No evidence is also let in the show that he should be deemed to be a workman in the eye of law though the former management purported to engage him only as a contractor. Not much of cross-examination is directed against the management's witnesses MWs-1 to MW-5 on this point. In the cross-examination of MW-3 we find that the soft coke manufacture in done in the colliery premises belonging to the management. Coal was being supplied by the management for being converted into coke. Water also was being supplied free. As WW-1 the workman stated that the raw materials and all the implements were being supplied free by the management. What sort of control the management exercised on the workman in the discharge of his contract work is not spoken to. On the basis of this evidence it is sought to be argued that the workman should be treated not as a contractor but as a regular employee. Support is sought from the decision reported in 1978 (II) L.L.J. S.C. page 397 for this purpose (Hussainbhai Calicut Vs. Alath Factory Thozhillali Union, Calicut and Others). The facts of that case are distinguishable from the facts of the instant case. In the reported case the labour engaged by the contractor contended that they should be treated as the employees of the management while the management contended that there was no relationship of master and servant between those workmen and them. The management stated that these workmen were engaged by a contractor. The Supreme Court in para 5 of their judgement laid down the law in the following terms :

"The true test may, with brevity, be indicated once again. Where a worker or group of workers labours to produce goods or services and these goods or services are for the business of another, that other is, in fact, the employer. He has economic control over the workers' subsistence, skill, and continued employment. If he, for any reason, chokes off, the worker is, virtually, laid off. The presence of intermediate contractors with whom alone the workers have immediate or direct relationship ex-contract is of no consequence when, on lifting the veil or looking at the conspectus of factors

governing employment, we discern the naked truth, though draped in different perfect paper arrangement that the real employer is the Management, not the immediate contractor. Myriad devices, half-hidden in fold after fold of legal form depending on the degree of concealment needed, the type of industry, the local conditions and the like may be resorted to when labour legislation casts welfare obligations on the real employer, based on Arts 38, 39, 42, 43 and 43A of the Constitution. The Court must be astute to avoid the mischief and achieve the purpose of the law and not be misled by the maya of legal appearances".

The aforesaid decision in my view is not applicable to the facts of the present case the reason that this Court is not now called upon to decide the question whether the labour engaged by the contractor should be considered to be the workmen of the principal employer.

Then attention is drawn to Ext. W-2 which contains the comment submitted by the management on the representation of the workman submitted to the A.L.C.(C). While contending that the workman was in fact a contractor they stated that in the bonus register of 1971 and Form B register he managed to get his name inserted. In the bonus register for 1971 the workman herein is shown to have put in 8 days attendance in the fourth quarter of 1971, but the bonus amount payable to him on the basis of that attendance was not calculated nor paid to him. In the Form B register in the remarks column it was noted that the workman herein was a soft coke manufacturing Supervisor being paid on commission basis. The Form B register at Sl. No. 7 contains the workman's signature under dated 14-5-1972. Sri B. Lal argues that the aforesaid entries in the 1971 bonus register and the Form B register if produced would have clinchingly established the case of the workman herein. Both the registers are not produced before the Court. The 1971 bonus register that is produced before the Court does not seem to be the one that is referred to by the management in Ext. W-2. Sri Joshi for the management submits that these documents of 1972 are not preserved. He also says that the workman deliberately avoided raising this dispute till 1977 though the alleged termination of his service was in August 1972. He submits that with a view to take advantage of the non-availability of the concerned record the workman herein deliberately delayed raising this dispute before the A.L.C. It is not disputed that the representation before the A.L.C. was submitted in March, 1977 for the first time. The workman has not given any explanation for this inordinate delay in seeking the assistance of the A.L.C. MW-3 is said to be the officer that submitted the statement Ext. W-2 before the A.L.C. He should have been asked about the facts relating to the inclusion of the name of the workman in the bonus register in the fourth quarter of 1971 and in the Form B register which are referred to in Ext. W-2. Not a single question is put to this witness about that part of the case.

Then reliance is placed on the wage sheets Exts. M-39 and M-40. Ext. M-39 is the wage sheet for the week ending 27-11-1971. At page 177 under the caption 'casual workers' there is a bill prepared for a sum of Rs. 343.17 paise in the name of Ishwar Dayal (workman herein) and others for soft coke manufacturing. The split up of the bill amount is given at the top for coal screening, ash and stone stacking. Below that, the names of 15 workmen are given and against the name of each workman the amount paid is noted and against the name of each workman his acquittance on revenue stamp is taken. The total amount paid to these 15 workmen is Rs. 343.17 paise. The name of the workman herein does not appear in the list of the 15 persons to whom the amount is disbursed. Ext. M-40 is the payment sheet for the week ending 20-11-1977. Page 157 therein is the relevant page. This payment sheet is also prepared on the same lines as the pay sheet Ext. M-39. Here also the workman herein is not shown to have received any part of the bill amount. The entire amount is shown to have been disbursed among 15 workmen. The case of the management is that this pay sheet is prepared in the name of the contractor and his workmen. The bill amount according to them is given to the contractor to be disbursed among his workmen. They say the contractor deducts some amount from the wages payable to each of his workmen towards his remuneration though the pay

sheet does not disclose this fact. It is further submitted that since this practice is irregular and opposed to the labour laws the management put an end to this with effect from 13-8-72. Thereafter the contractor's workmen were absorbed into the company's service and the contractor had no work in this establishment. MW-4 was the Cashier of this mine on the date of take over viz. 17-10-71. He says the workman was only a soft coke manufacturer. Referring to Ext. M-40 page 157 he says that the workmen whose names find a place therein are the employees of the concerned workman herein. The total wages billed were given to the workman herein for being disbursed among the labourers engaged by him in the presence of this witness. After taking the thumb impressions or signatures of the labourers on the pay sheet the workman herein would return the pay sheets to the witness. He further deposed that except what was mentioned in the bill at page 157 the workman herein was not paid anything more. The same mode of payment as shown in page 157 of Ext. M-40 is followed in the other pay sheets also. In his cross-examination the witness stated that there was no need to take the acknowledgement of the workman for the amount given to him for being disbursed among the labourers engaged by him because the disbursement was made in his presence. He admits that in the cash book it is not stated that this bill amount as per Ext. M-39 and M-40 was paid to the workman herein as contractor. The account will show that the same amount was paid for the manufacture of soft coke. It leads us on to the next question how was the workman herein earning his remuneration? Admittedly (Sri B. Lal workman's Counsel admits) the workman herein was not being paid his wages on pay sheets, but on separate vouchers. No such vouchers are summoned from the management, nor are MW-3 the Manager and MW-4 the Cashier asked about it. No documentary evidence is produced to show the wages that were being paid to the workman. In the course of his evidence WW-1 stated that for two weeks after take over on 17-10-71 his wages were paid on pay sheets and thereafter on separate vouchers. The pay sheet for the week ending 23-10-71 is Ext. M-37. The relevant entry is at page 46. The total bill due to Ishwar Dayal (workman) and others for manufacturing 4562 cft. of soft coke is shown to be Rs. 187.65 paise. This amount is shown to have been disbursed among six workmen including the workman herein. Ext. M-32 is the wage sheet for the week ending 30-10-71. Here a bill for Rs. 141.09 paise is prepared in the name of Ishwar Dayal (workman herein) and others. The said amount is shown to have been disbursed among 5 workmen. Ishwar Dayal (workman concerned) is not one of them. So the statement of the workman that he has been paid wages on pay sheets for two weeks after take over is not correct. Only for one week his wages seem to have been paid on the pay sheet. No argument is advanced on the basis of this solitary pay sheet. The management seems to dispute the correctness of this pay sheet in Ext. W-2 the statement submitted by them before the A.L.C. during conciliation proceedings when they say that for the last quarter of 1971 some entry is inserted to make it appear that the workman herein had put in 8 days of attendance. Regarding his claim that he was paid on vouchers for the rest of the period till the date of the alleged termination of his service on 13-8-72, there is absolutely no evidence. This case is not even suggested to the Cashier MW-4 or the Manager MW-3. This case is not even pleaded.

Great reliance is placed upon Ext. W-1 which purports to be a copy of a letter dated 8-6-72 addressed by one Mr. Choudhury, Manager of A. G. Tisra Colliery to the Group Officer, Tisra Joyrampur Group No. 17. In this letter the manager asserted that the workman herein was never a contractor in Khas Joyrampur Colliery and that he had always worked in the capacity of a Depot Supervisor, supervising soft coke, bhattas, quenching ashes, covering of bhattas, arranging labour etc. For this work he was said to have been paid by the former owner at the rate of Rs. 1.60 paise per tonne. It is also stated that in the capacity as Depot Supervisor the workman was working from 1944. The workman called upon the management to produce the original of this letter Ext. W-1 as per his memo dated 12-6-79. The management in their memo dt. 26-6-79 stated that this document was not available on their file. In his cross-examination the workman was asked if he had filed Ext. W-1 before the A.L.C. during the conciliation proceedings. He stated that though he did not file the said

document he disclosed the number and date of that letter before the A.L.C. He further stated that the Head Clerk Mr. Ramakrishna gave him Ext. W-1, copy of the letter dated 8-6-72. No steps were taken to examine this Ramakrishna. No reference to this letter is made either in the statement of claim or in the rejoinder. The claim that the number and date of this Ext. W-1 were given before the A.L.C. during conciliation proceedings is not made out. For the first time we hear of this document in the memo filed on behalf of the applicants on 12-6-79 calling upon the management to produce its original. Along with that memo a copy of Ext. W-1 was filed and Ext. W-1 was actually filed before Court on 18-7-78. This letter was not put to MW-3 the Manager of the Colliery who worked in A. G. Tisra Colliery till the second week of May 1972 in the course of his cross-examination. Ext. W-1 is also inconsistent with the workman's case. In his written statement of claim and in Ext. W-1 it is stated that from 1944 till the date of stoppage of work on 13-8-72 he worked as Depot Supervisor. In the course of his evidence he stated that at first he joined M/s. A. G. Tisra Colliery as a Shale Picker and after putting in 13 or 14 years of service in that capacity he was promoted as Depot Supervisor. In the circumstances not much reliance can be placed on Ext. W-1.

The workman has not produced the bonus cards and weighment slips issued by the erstwhile owner and thereafter by Bharat Coking Coal Limited though he says he was receiving those documents. He says that he produced the bonus cards and the weighment slips before the A.L.C. The said record is not summoned for. Admittedly the workman is not a member of the Coal Mines Provident Fund. He denied the suggestion that because he was never a permanent employee of this colliery he was never made a member of the Coal Mines Provident Fund. Shri B. Lal for the workman argues that because WW-1 was only a piece-rated worker the private management was treating him as a casual labourer, paying him his wages at the end of each day. Sri Joshi for the management invites attention to the statement of the workman that initially he was appointed as a Shale Picker and after 14 or 15 years of service he was promoted as Depot Supervisor. He stated that he was a permanent Mazdoor. In the face of this evidence Shri Joshi contends that the explanation given by Shri B. Lal for the former management not making WW-1 a Member of the Coal Mines Provident Fund cannot be accepted. I agree. The fact that the workman was never a member of the Coal Mines Provident Fund improbabilises his case that he was a permanent employee of the erstwhile management from 1944 to 17-10-71.

Shri Lal for the workman further argued that the management has not adduced sufficient evidence to establish its case that the workman herein was engaged by the previous management as a contractor for the manufacture of soft coke. He submits that the management has failed to disclose the terms of the contract, the mode of remuneration to be paid to the contractor and in the absence of such evidence he submits that his case that the workman herein was a regular employee of the former management has to be accepted. It is true that the terms of the contract said to have been entered into between the workman herein and the erstwhile management are not placed before the Court. The management also has not specifically stated as to how the workman herein was being remunerated for the contract work undertaken by him. The record shows that the entire bill amount for the coke manufactured was paid in to the hands of the workman and he disbursed the money to the workmen engaged by him. Shri Joshi submits that from out of the wages payable to this contract labour, WW-1 was deducting some amount towards his own commission. This is also pleaded in the management's written statement. Since WW-1 has not been able to establish his case that he was receiving his wages on separate vouchers, the explanation given by Shri Joshi becomes plausible. Since it is the workman herein that has come forward with the case that he was a regular and permanent employee of the former management and after the take over and nationalisation became an employee of the Bharat Coking Coal Limited, it is upto him to establish his case. It is not for the management to show by positive evidence that he was a contractor. Further it is the workman that is to blame for approaching the labour machinery nearly 5 years after the dispute has arisen by which time valuable record has ceased to be available.

Lastly Shri Joshi for the management argued that the workman herein is not a workman within the meaning of Section 2(s) of the Industrial Disputes Act. The workman as WW-1 deposed that he was getting Rs. 150 per week by way of remuneration. He calls himself a Depot Supervisor. On the basis of this evidence Shri Joshi contends that since the applicant's wages exceed Rs. 500 per month and since he is working in a supervisory capacity he ceases to be a workman within the meaning of Section 2(s). Shri Jal for the workman submits that this plea is not taken in the written statement of the management. The workman is also not cross-examined regarding the nature of the duties he was discharging, whether they were purely supervisory or manual. He submits that merely on the basis of the designation as Depot Supervisor it cannot be said that the workman was occupying a supervisory post. I am not prepared to agree with Shri Joshi on this point in view of the meagre evidence placed before the Court.

Point (2).—For the aforesaid reasons I hold that the workman Shri Ishwar Dayal Nisad has failed to establish his claim that he worked as a Depot Supervisor on a permanent basis from 1944 till the date of take over in M/s. Amar Singh Goamal South Tisra Colliery and that from the date of take over on 17-10-71 till 12-8-72 he continued to work in the said capacity. It follows therefore that the question of the management of M/s. Bharat Coking Coal Limited stopping him from work with effect from 13-8-72 does not arise. Reference is accordingly answered against the workman.

P. RAMAKRISHNA, Presiding Officer.

[No. L-20012/144/77-D.III(A)]

S.O. 3744.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2, Dhanbad, in the industrial dispute between the employers in relation to the management of Loyabad Colliery of Messrs Bharat Coking Coal Limited, Post Office Sijua, District Dhanbad and their workmen, which was received by the Central Government on the 19th October, 1979.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) DHANBAD

Reference No. 14 of 79

In the matter of an industrial dispute under S. 10(1)(d) of the Industrial Disputes Act, 1947.

PARTIES :

Employers in relation to the management of Loyabad colliery of Messrs Bharat Coking Coal Limited, Post office Sijua, District Dhanbad.

AND

Their workmen

APPEARANCES :

On behalf of the employers.—Shri B. Joshi, Advocate.

On behalf of the workmen.—Shri Shankar Bose, Advocate.

STATE : Bihar

INDUSTRY : Coal.

Dhanbad, the 15th October, 1979

AWARD

This is a reference under Section 10 of the I.D. Act, 1947. The Government of India, Ministry of Labour, New Delhi vide order No. L-20012/114/78-D.III(A) dated 22-3-1979 referred the dispute to this Tribunal for adjudication as per schedule below :

752 GI/79—6

SCHEDULE

"Whether the demand of the workmen of Loyabad colliery of Messrs Bharat Coking Coal Limited, Post office, Sijua, District Dhanbad for regularisation of Shrimati Chamelia Kamin, Casual wagon loader is justified ? If so, to what relief is the said workman entitled ?"

After receipt of the reference written statements were filed by the employers as well as by the workmen. The reference thereafter proceeded along its course. Ultimately on 15-10-79 a memorandum of settlement was filed by the parties incorporating therein the terms of settlement arrived at between them in respect of the industrial dispute pending for adjudication in this Tribunal. As per the settlement the concerned workman would be allowed to resume duty with immediate effect and she would not have any claim for the wages of her idle period. I heard the parties on the memorandum of settlement and it is prayed before me that an award may be passed in terms of the settlement as filed. The terms of the settlement are beneficial to the workman and I accept the same. Accordingly, I pass the Award in terms of the memorandum of settlement which do form a part of the Award as annexure A.

J. P. SINGH, Presiding Officer.

ANNEXURE 'A'

MEMORANDUM OF SETTLEMENT ARRIVED AT WITH THE REPRESENTATIVE OF RCMS ON 10TH OCTOBER 1979

PRESENT :

Management side :

Union side :

- | | |
|---|--|
| (1) Shri P. R. Sinha,
General Manager. | (1) Shri Munnilal Paswan
Secretary, RCMS
Loyabad branch. |
| (2) Shri K. C. Nandkeolyar,
Personnel Manager. | (2) Shri K. Tiwari,
Asst. Secretary, RCMS. |

Short recital of the case

The representative of RCMS Shri G. D. Pandey had raised a dispute in connection with regularisation of services of Smt. Chamelia Kamin, non payment of maternity benefit and workmen's compensation which was registered in the office of the Asst. Labour Commissioner on 5-12-77. The above dispute was, however, ended in failure on 30-5-78 and thereafter it was referred to Tribunal No. 2 for adjudication on 25-5-79. The representative of RCMS took up this issue again for discussion at Karmik Bhawan and the matter was discussed. In course of discussion it was decided to allow Smt. Chamelia Kamin of Loyabad colliery as Shale Picker as a special case on the following terms :—

Terms of settlement

- (1) That Smt. Chamelia Kamin shall be allowed on duty as Shale Picker with immediate effect provided she reports of her duty to the Supdt. Loyabad colliery within 15 days from the date of settlement so arrived at. This is being done as a special case and shall not be cited as precedent.
- (2) That the workman concerned shall not have any claim for the wages of her idle period.
- (3) That in case of failure of the workman concerned to report for duty within a fortnight as mentioned at para one she will forfeit her claim for employment.
- (4) That by virtue of this settlement all claims arising out of reference in Tribunal No. 2 stands resolved fully and finally the workman concerned will not have any other claim in this respect whatsoever.
- (5) That the dispute in the matter stands settle by virtue of this settlement. The union and the management shall jointly withdraw the dispute already referred in Tribunal No. 2.

(6) That this settlement shall be registered under Rule 58(4) of I.D. (Central) Rule 1957.

Sd/-
(P. R. SINHA)
General Manager

Sd/-
(K. C. NANDKEOLYAR)
Personnel Manager

Sd/-
(MUNNILAL PASWAN)
Secretary, RCMS

Sd/-
(K. TIWARI)
Asst. Secretary

Witnesses :

(1) Sd/-

(2) Sd/-

Dated, Sijua
the 11th October, 1979.

J. P. SINGH, Presiding Officer
[No. L-20012/114/78-D.II(A)]
S. H. S. IYER, Desk Officer

नई दिल्ली, 26 अक्टूबर, 1979

का०आ० 3745.—केन्द्रीय सरकार, कोयला खान भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1948 (1948 का 46) की धारा 34 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के श्रम मंत्रालय की अधिसूचना सं० का०आ० 4116, तारीख 11 अक्टूबर, 1976 को अधिज्ञात करते हुए, 4 जून, 1979 को प्रस्तावित से कोयला खान भविष्य निधि आयुक्त के रूप में श्री डी०के० सिन्हा की नियुक्ति अधिसूचित करती है।

[सं० ए/12012/6/78-पी० एफ०-1]

New Delhi, the 26th October, 1979

S.O. 3745.—In exercise of the powers conferred by sub-section (1) of section 3C of the Coal Mines Provident Fund and Miscellaneous Provisions Act, 1948 (46 of 1948) and in supersession of the notification of the Government of India, in the Ministry of Labour No. S.O. 4116, dated the 11th October, 1976, the Central Government hereby notifies the appointment of Shri D. K. Sinha as the Coal Mines Provident Fund Commissioner with effect from the 4th day of June, 1979 (afternoon).

[No. A. 12012/6/78-PF. 1]

का०आ० 3746.—सैमर्स दि ब्रुयर्स कम्पनी (इंडिया) लिमिटेड, 17, गणजी भाई कामिनी मार्ग, पोस्ट बॉक्स 680, बंगलूरु क्रस्टेट, मुम्बई।

(जिसे इसमें इसके पश्चात् उक्त स्थापन कहा गया है) ने कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 17 की उपधारा (2क) के अधीन छठ दिनांक के लिए आवेदन किया है।

और केन्द्रीय सरकार का समाधान हो गया है कि उक्त स्थापन के कर्मचारी, कोई पथक अभिदाय या प्रीमियम का संदाय किये बिना ही, भारतीय जीवन बीमा निगम की समूह बीमा स्कीम के अधीन जीवन बीमा के रूप में फायदा उठा रहे हैं और ऐसे कर्मचारियों के लिए ये फायदे उन फायदों से अधिक अनुकूल हैं जो कर्मचारी विशेष सम्बद्ध बीमा स्कीम, 1976 (जिसे इसमें इसके पश्चात् उक्त स्कीम कहा गया है) के अधीन उन्हें अनुभूत हैं।

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 17 की उपधारा (2क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और इसमें उपाबद्ध अनुसूची में विनिर्दिष्ट शर्तों के अधीन रहते हुए, उक्त स्थापन को, 1 फरवरी, 1979 से उक्त स्कीम के सभी उपबन्धों के प्रवर्तन से छूट देती है।

अनुसूची

1. उक्त स्थापन के सम्बन्ध में नियोजक प्रादेशिक भविष्य निधि आयुक्त, महाराष्ट्र, मुम्बई को ऐसी विवरणियाँ भेजेगा, ऐसे लेखा रखेगा

और निरीक्षण के लिए ऐसी सुविधाएँ प्रदान करेगा जो केन्द्रीय सरकार, समय-समय पर निर्विष्ट करें।

2. नियोजक, ऐसे निरीक्षण प्रसारों का प्रत्येक मास की समाप्ति से 15 दिन के भीतर संदाय करेगा जो केन्द्रीय सरकार, समय-समय पर उक्त अधिनियम की धारा 17 की उपधारा (3क) के खण्ड (क) के अधीन निर्दिष्ट करें।

3. समूह बीमा स्कीम के प्रशासन में, जिसके अन्तर्गत लेखाओं का रखा जाना, विवरणियों का प्रस्तुत किया जाना, बीमा प्रीमियम का संदाय, लेखाओं का प्रस्तुत, निरीक्षण प्रसारों का संदाय आदि भी है, होने वाले सभी व्ययों का बहुत न्योजक द्वारा किया जायेगा।

4. नियोजक, केन्द्रीय सरकार द्वारा यथा अनुमोदित समूह बीमा स्कीम के नियमों की एक प्रति, और अब कभी उनमें संशोधन किया जाए, तथा उस संशोधन की प्रति तथा कर्मचारियों की बहुसंख्या की भाषा में उसकी मुख्य बातों का अनुवाद, स्थापन के सूचना-पट्ट पर प्रदर्शित करेगा।

5. यदि कोई कर्मचारी स्थापन को छोड़कर उक्त अधिनियम के अधीन आने वाले किसी अन्य स्थापन में चला जाता है तो नियोजक उसे जाने वाले कर्मचारी के जवाबदेह में आनुपातिक प्रीमियम का ऐसे अन्य स्थापन की बाबत बीमा निधि में अन्तर्गत करने की व्यवस्था करेगा।

6. यदि कोई ऐसा कर्मचारी, जो कर्मचारी भविष्य निधि का या उक्त अधिनियम के अधीन छूट प्राप्त किसी अन्य स्थापन की भविष्य निधि का पहले में सदस्य है, उक्त स्थापन में नियोजित किया जाता है तो, नियोजक, समूह बीमा स्कीम के सदस्य के रूप में उसका नाम तुरन्त दर्ज करेगा और उसकी बाबत आवश्यक प्रीमियम भारतीय जीवन बीमा निगम को संवत्न करेगा।

7. यदि उक्त स्कीम के अधीन कर्मचारियों दो उपलब्ध फायदे बराबर आते हैं तो, नियोजक समूह बीमा स्कीम के अधीन कर्मचारियों को उपलब्ध फायदे में समुचित रूप से वृद्धि की जाने की व्यवस्था करेगा जिससे कि कर्मचारियों के लिए समूह बीमा स्कीम के अधीन उपलब्ध फायदे उन फायदों से अधिक अनुकूल हों, जो उक्त स्कीम के अधीन अनुभूत हैं।

8. समूह बीमा स्कीम में किसी बात के होते हुए भी, यदि किसी कर्मचारी की मृत्यु पर इस स्कीम के अधीन अन्य स्कीम उस स्कीम से कम है जो उस कर्मचारी की वंशा में स्वयं होती जब वह उक्त स्कीम के अधीन होता तो, नियोजक, कर्मचारी के विधिक वारिस/नाम निर्देशिका को प्रतिकर के रूप में दोनों स्कीमों के अन्तर के बराबर स्कीम का सन्दाय करेगा।

9. समूह बीमा स्कीम के उपबन्धों में कोई भी संशोधन, प्रादेशिक भविष्य निधि, आयुक्त, महाराष्ट्र मुम्बई के पूर्व अनुमोदन के बिना नहीं किया जाएगा और जहाँ किसी संशोधन से कर्मचारियों के हित पर प्रतिकूल प्रभाव पड़ने की संभावना हो वहाँ, प्रादेशिक भविष्य निधि आयुक्त, अपना अनुमोदन देने से पूर्व कर्मचारियों को अपना दृष्टिकोण स्पष्ट करने का मुक्तिपत्र प्रेषण देगा।

10. यदि, किसी कारणवश, उक्त स्थापन के कर्मचारी, भारतीय जीवन बीमा निगम की इस समूह बीमा स्कीम के, जिसे स्थापन पहले अपना चुका है, अधीन नहीं रह जाते हैं, या इस स्कीम के अधीन कर्मचारियों को प्राप्त होने वाले फायदे किसी रीति से कम हो जाते हैं, तो यह समझा जायेगा कि वह छूट उग तारीख से रह कर दी गई है और स्थापन को उक्त स्कीम के अन्तर्गत हुआ माना जाएगा।

11. यदि किसी कारणवश, नियोजक उस नियत तारीख के भीतर, जो भारतीय जीवन बीमा निगम नियत करे, प्रीमियम का सन्दाय करने में अक्षम रहता है, और पालिसी को अक्षम हो जाने दिया जाता है तो, छूट रह कर दी जायेगी और ऐसे नियोजक के विरुद्ध कार्यवाही की जा सकेगी।

12 यदि नियोजक, प्रीमियम के संदाय, आदि में कोई व्यतिरिक्त करता है, तो उन मूल सदस्यों के नामनिर्देशित या विशिष्ट वारिजों के, जो वह छूट न दो जति की दशा में उक्त स्कीम के अन्तर्गत हूँ, बीमा फायदे के संदाय का उत्तरदायित्व नियोजक पर होगा।

[सं० एस 35014(65)/79-पी० एफ-2]

S.O. 3746.—Whereas Messrs The Boots Company (India) Limited, 17, Ramji Bhai Kamini Marg, Post Box 680, Ballard Estate, Bombay (hereinafter referred to as the said establishment) have applied for exemption under sub-section 2(A) of section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) (hereinafter referred to as the said Act);

And whereas, the Central Government is satisfied that the employees of the said establishment are, without making any separate contribution or payment of premium, in enjoyment of benefits under the Group Insurance Scheme of the Life Insurance Corporation of India in the nature of Life Insurance which are more favourable to such employees than the benefits admissible under the Employees Deposit-linked Insurance Scheme, 1976 (hereinafter referred to as the said Scheme);

Now, therefore, in exercise of the powers conferred by sub-section (2A) of section 17 of the said Act and subject to the conditions specified in the Schedule annexed hereto, the Central Government hereby exempts with effect from the 1st day of February, 1979 the said establishment from the operation of all the provisions of the said Scheme.

SCHEDULE

1. The employer in relation to the said establishment shall submit such returns to the Regional Provident Fund Commissioner, Maharashtra, Bombay maintain such accounts and provide for such facilities for inspection, as the Central Government may direct from time to time.

2. The employer shall pay such inspection charges as the Central Government may, from time to time, direct under clause (a) of sub-section (3A) of section 17 of the said Act, within 15 days from the close of every month.

3. All expenses involved in the administration of the Group Insurance Scheme, including maintenance of accounts, submission of returns, payment of insurance premia, transfer of accounts, payment of inspection charges, etc. shall be borne by the employer.

4. The employer shall display, on the Notice Board of the establishment, a copy of the rules of the Group Insurance Scheme as approved by the Central Government and, as and when amended alongwith a translation of the salient features thereof, in the language of the majority of the employees.

5. The employer shall arrange, in respect of an employee who leaves the establishment and joins another establishment covered under the said Act, to transfer to the Insurance Fund in respect of the other establishment, the proportionate premium to the credit of the outgoing employee.

6. Where an employee, who is already a member of the Employees' Provident Fund or the Provident Fund of an establishment exempted under the said Act, is employed in his establishment, the employer shall immediately enrol him as a member of the Group Insurance Scheme and pay necessary premium in respect of him to the Life Insurance Corporation of India.

7. The employer shall arrange to enhance the benefits available to the employees under the Group Insurance Scheme appropriately, if the benefits available to the employees under the said Scheme are enhanced, so that the benefits available under the Group Insurance Scheme are more favourable to the employees than the benefits admissible under the said Scheme.

8. Notwithstanding anything contained in the Group Insurance Scheme, if on the death of an employee the amount

payable under this Scheme be less than the amount that would be payable had employee been covered under the said Scheme, the employer shall pay the difference to the legal heir/nominee of the employee as compensation.

9. No amendment of the provisions of the Group Insurance Scheme shall be made without the prior approval of the Regional Provident Fund Commissioner, Maharashtra, Bombay and where any amendment is likely to affect adversely the interest of the employees, the Regional Provident Fund Commissioner shall before giving his approval, give a reasonable opportunity to the employees to explain their point of view.

10. Where, for any reason, the employees of the establishment do not remain covered under the Group Insurance Scheme of the Life Insurance Corporation of India as already adopted by the establishment, or the benefits to the employees under this Scheme are reduced in any manner, the exemption shall be deemed to have been cancelled with effect from that date and the establishment shall be treated as covered under the said Scheme.

11. Where, for any reason, the employer fails to pay the premium within the due date, as fixed by the Life Insurance Corporation of India, and the policy is allowed to lapse, the exemption is liable to be cancelled and the employer proceeded against.

12. In case of default, if any, made by the employer, in payment of premium etc., the responsibility for payment of assurance benefits to the nominee or legal heirs of deceased members who would have been covered under the said Scheme but for grant of this exemption, will be that of the employer.

[No. S. 35014(65)/79-PF. II]

का० आ० 3747.—हिमाचल प्रदेश राज्य सरकार ने कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 4 के खंड (घ) के अनुसरण में श्री ए० एन० विद्यार्थी के स्थान पर श्री ओ० पी० यादव, सचिव हिमाचल प्रदेश सरकार, श्रम और रोजगार विभाग, शिमला को कर्मचारी राज्य बीमा नियम में उस राज्य का प्रतिनिधित्व करने के लिए नामनिर्दिष्ट किया है;

अतः अब, केन्द्रीय सरकार, कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 4 के अनुसरण में, भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का० आ० 1517 दिनांक 14 अप्रैल, 1976 में निम्नलिखित संशोधन करता है, अर्थात्:—

उक्त अधिसूचना में, "(राज्य सरकारों द्वारा धारा 4 के खंड (घ) के अधीन नामनिर्दिष्ट)" शीर्षक के नीचे यह 13 के सामने की प्रविष्टि के स्थान पर निम्नलिखित प्रविष्टि रखी जायेगी. अर्थात्:—

"श्री ओ० पी० यादव,
सचिव, हिमाचल प्रदेश सरकार,
श्रम और रोजगार विभाग,
शिमला।

[संख्या यू-16012/15/76-एच० आई०]

S.O. 3747.—Whereas the State Government of Himachal Pradesh has, in pursuance of clause (d) of section 4 of the Employees' State Insurance Act, 1948 (34 of 1948) nominated Shri O. P. Yadav, Secretary to the Government of Himachal Pradesh, Labour and Employment Department, Simla to represent that State on the Employees' State Insurance Corporation, in place of Shri A. N. Vidyarthi;

Now, therefore, in pursuance of section 4 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Labour No. S.O. 1517, dated the 14th April, 1976, namely:—

In the said notification under the heading "(Nominated by the State Governments under clause (d) of section 4)", for

the entry against item 13, the following entry shall be substituted, namely :—

“Shri O. P. Yadav,
Secretary to the Government of
Himachal Pradesh,
Labour and Employment Department,
Simla.

[No. U-16012/15/76-HI]
HANS RAJ CHHABRA, Dy. Secy.

नई दिल्ली, 31 अक्टूबर, 1979

का० आ० 3748—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) को धारा 1 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, केन्द्रीय सरकार एतद्वारा 11 नवम्बर, 1979 को उस तारीख के रूप में निर्धारित करती है, जिसका उक्त अधिनियम के अध्याय 4 (धारा 44 और 45 के विषय में पढ़ने की प्रवृत्ति की जा चुकी है) और अध्याय और 6 [धारा 76 का उपधारा (1) और धारा 77, 78, 79 और 81 के विषय में पढ़ने की प्रवृत्ति की जा चुकी है] के उपबन्ध उद्देश्य राज्य निम्नलिखित क्षेत्र में प्रवृत्त होंगे, अर्थात् :—

“जिला पुरी, तहसील भुवनेश्वर के
कालरापुर और पणारा राजस्वग्राम की
सीमा के अन्तर्गत आने वाले क्षेत्र।”

[संख्या एम०-38013/14/79-एम० आई०]
हंस राज चहाब्रा, उप सचिव

New Delhi, the 31st October, 1979

S.O. 3748.—In exercise of the powers conferred by sub-section (3) of section 1 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby appoints the 11th November, 1979 as the date on which the provisions of Chapter IV (except sections 44 and 45 which have already been brought into force) and Chapters V and VI (except sub-section (1) of section 76 and sections 77, 78, 79 and 81 which have already been brought into force) of the said Act shall come into force in the following areas in the State of Orissa, namely :—

“The areas comprising the revenue villages of Kalara-pur and Pandara in the Tehsil of Bhubaneswar, District Puri.”

[No. S-38013/14/79-HI]
HANS RAJ CHHABRA, Dy. Secy.

नई दिल्ली, 30 अक्टूबर, 1979

का० आ० 3749—केन्द्रीय सरकार, धातु उत्पादक खान विनियम, 1961 के विनियम 16 के उपविनियम (1) के परन्तुक के खण्ड (क) के अनुसरण में, भारत सरकार के भूतत्पूर्व श्रम और रोजगार मंत्रालय की अधिसूचना सं० का० आ० 2793, तारीख 23 मिनस्वर, 1968 में निम्नलिखित और संपादन करती है, अर्थात् :—

(i) उक्त अधिसूचना से संलग्न सारणी में, ‘भारत’ शीर्षक और उससे संबंधित प्रविष्टियाँ के पश्चात् निम्नलिखित शीर्षक और प्रविष्टियाँ अतः स्थापित की जाएगी, अर्थात् :—

“भारत (केवल विवृत खानों के लिए प्रबंधक के प्रमाणपत्रों के प्रयोजनार्थ)

- | | |
|------------------------|------------------------------|
| 1. भारतीय खान विद्यालय | एम० टेक (विवृत खनन) |
| 2. भारतीय खान विद्यालय | डा०आई० एम० एम० (विवृत खनन)।” |

(ii) उक्त अधिसूचना से संलग्न सारणी में ‘यूनाइटेड किंगडम’ शीर्षक के अधीन, क्रम सं० 5 और उससे संबंधित प्रविष्टियाँ के पश्चात्, निम्नलिखित क्रम सं० और प्रविष्टियाँ अतः स्थापित की जाएगी, अर्थात् :—

“6 यूनीवर्सिटी आफ वेल्स खनन इंजीनियरी में बी० एम० सं० का उपाधि।”

[संख्या एम० 66025/4/79-एम० आई०]
मीना गुप्ता, अवसर सचिव

New Delhi, the 30th October, 1979

S.O. 3749.—In pursuance of clause (a) of the proviso to sub-regulation (1) of regulation 16 of the Metalliferous Mines Regulations, 1961, the Central Government hereby makes the following further amendment in the notification of the Government of India in the late Ministry of Labour and Employment No. S.O. 2793, dated the 23rd September, 1963, namely :—

(i) In the Table appended to the said notification after the heading ‘INDIA’ and the entries relating thereto, the following heading and entries shall be inserted, namely :—

“INDIA (Only for the purpose of Manager's Certificates restricted to opencast mines).”—

1. Indian School of Mines M. Tech. (Opencast Mining).
2. Indian School of Mines D. I. S. M. (Opencast Mining).”

(ii) In the Table appended to the said notification under the heading ‘UNITED KINGDOM’ after serial No. 5 and the entries relating thereto, the following serial No. and entries shall be inserted, namely :—

“6. University of Wales Degree of B.Sc. in Mining Engineering.”

[No. S. 66025/4/79-MI]

MEENA GUPTA, Under Secy.

New Delhi, the 30th October, 1979

S.O. 3750.—In pursuance of section 17 of the Industrial Disputes, Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta in the industrial dispute between the employers in relation to the management of the Chartered Bank and their workmen over denying to their clerical staff agreed guide-lines regarding promotion to the officer cadre, salary fitment of the promotee workmen and their service conditions.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL :

CALCUTTA

Reference No. 19 of 1976

PARTIES :

Employers in relation to the Chartered Bank,
AND

Their Workmen.

APPEARANCES :

On behalf of Employers.—Sri G. C. Ghose, Personnel Officer.

On behalf of Workmen.—Sri Sudhakar Dutta, General Secretary of the Union.

STATE : West Bengal

INDUSTRY : Banking

AWARD

By Order No. L. 12011/12/76/DII(A) dated 17th May, 1976, the Government of India, Ministry of Labour, referred an industrial dispute existing between the employers in relation to the Chartered Bank and their workmen, to this Tribunal, for adjudication. The Schedule to the reference reads :

“Is the management of the Chartered Bank justified in denying to their clerical staff agreed guide-lines regarding promotion to the officer cadre, salary fitment of the promotee workmen and their service conditions ? If not, to what relief are the workmen concerned entitled ?

2. After the case had been argued at considerable length by the learned advocates appearing on behalf of the parties, a petition was filed by the workmen on 24th September, 1979. It is stated in the petition that the Reference has been

settled out of Court on the basis of the letter dated 31st July, 1979 addressed by the management of the Chartered Bank to the Federation of Chartered Bank Employees' Union of which the petitioner union is a constituent unit. A copy of the said letter has been annexed to the petition and marked with the letter "A". In the petition, the union states that in the premises, the union is not willing to proceed with the reference and the reference may be disposed of as settled out of Court on the basis of the settlement and the Tribunal may pass such order or other orders as may be deemed expedient.

3. At the hearing of the reference on 24th September, 1979 Sri G. C. Ghosh, Personnel Officer appeared for the management and stated that the Federation of Chartered Bank Employees' Union has accepted the guide lines for promotion as expressed in the said letter dated 31st July, 1979. He, however pointed out that there are no formal terms of settlement in this case. The Union's case is that the reference has been settled out of court on the basis of Annexure "A" to the petition. I may add that no formal Memorandum of Settlement has been filed before the Tribunal in this case.

4. As the Union does not intend to proceed with the reference on the ground that the reference has been settled out of Court, it appears that there is no dispute pending between the parties with regard to the subject matter of the reference and I therefore make a "No dispute" award in this case.

S. K. MUKHERJEA, Presiding Officer
[No. L-12011/12/76-D-IIA]

Dated, Calcutta,
The 25th September, 1979.

New Delhi, the 30th October, 1979

S.O. 3751.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Ahmedabad in the industrial dispute between the employers in relation to the management of State Bank of India, Ahmedabad and their workman regarding termination of services of Shri M. V. Raval, Clerk of Bhadra Branch of Ahmedabad.

BEFORE SHRI R. C. ISRANI, PRESIDING OFFICER.

INDUSTRIAL TRIBUNAL AT AHMEDABAD

Reference (ITC) No. 5 of 1978

Adjudication

BETWEEN

The Management of State Bank of India, Ahmedabad.

AND

Their Workmen

In the matter of termination of services of Shri M. V. Raval, Clerk of Bhadra Branch of Ahmedabad.

APPEARANCES :

Shri K. R. Mehta, Organising Secretary, Gujarat Bank Workers' Organisation, (N.O.B.W.), for the Workman.

Shri N. Y. Oza, Law Officer, State Bank of India Ahmedabad, for the Bank.

AWARD

This is a reference made by the Government of India to this Tribunal under clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, (hereinafter to be referred to as 'the Act'), vide the Govt. of India, Ministry of Labour's Order No. L-12012/23/78-D.II.A., dated the 7/14th August, 1978, in respect of an industrial dispute which

has arisen between the management of State Bank of India, Ahmedabad, (hereinafter to be referred to as 'the Bank'), and their Workmen.

2. The dispute, as it appears from the schedule attached to the original order, under which this reference has been made, relates to the demand, which is as under :—

"Whether the action of the management of State Bank of India, Local Head Office, Bhadra, Ahmedabad interminating the services of Shri M. V. Raval, clerk in Bhadra Branch of the Bank with effect from 18-12-77 is legal and justified ? If not, to what relief is the workman concerned entitled ?"

3. In support of that demand, Shri M. V. Raval, (Shri Mahendra Kumar Vithaldas Raval), the concerned workman, (who will hereinafter be referred to as 'the workman'), has filed his statement of claim, (Ex. 2), on 3rd October, 1978. The case of the workman, as disclosed through that statement of claim, briefly stated, is as under :—

4. The workman had got his name registered with the Employment Exchange at Mehsana, (North Gujarat). The Bank at its Mehsana branch required certain cashiers-cum-clerks and, therefore, a requisition was sent to the local Employment Exchange office at Mehsana. In pursuance to that requisition, the name of the workman was sent by the said office to the said branch of the Bank at Mehsana. The workman was duly interviewed by the authorities of the Bank, and ultimately he was selected for the post of temporary cashier in that branch. Consequently, the appointment order in the nature of a Memorandum, (Ex. 2/2), was issued to him on 10-10-1974. He was appointed as a purely temporary cashier in the Bank with effect from 10-10-1974 on the terms and conditions enumerated in that memorandum for one month. It is the case of the workman that he actually reported for duty on 10-10-1974 and was given the charge with effect from that date. It is also his contention that he started actually working in the Mehsana branch of the Bank with effect from 10-10-1974. After the workman was so employed, the branch manager of the Bank at Mehsana gave intimation about the appointment of the workman and one other person to the regional manager Ahmedabad, vide his letter, dated 22nd November, 1974, (Ex. 5/3). The actual words of that letter are to the following effect :—

"I have to advise having appointed the following candidates as temporary cashiers at the Branch in permanent vacancies for a period of one month"

(The emphasis is mine)

It will thus be clear that the workman, though appointed as purely temporary cashier for a period of only one month, was yet appointed in a vacancy, which was a permanent vacancy. It is the case of the workman that he started doing his work quite efficiently and diligently with effect from 10-10-1974 and continued to do so till 6-9-1975, on which day, in the afternoon, his services were abruptly terminated without either giving him any notice, or informing him about the reasons which actuated the authorities of the Bank in that branch to terminate his services. It is also the grievance of the workman that even though his appointment was effected through a written order, (Ex. 2/2), dated 10-10-1974, yet, surprisingly enough, no written order was passed or conveyed to him regarding the termination of his services with effect from 6-9-1975, after office hours. The workman protested before the authorities of the Bank in that branch and drew their attention to this illegal procedure adopted by them in terminating his services without assigning any reason for the same. However, the said authorities turned a deaf ear to the request made by the workman.

5. In view of this attitude of the authorities of the Bank, the workman approached the conciliation officer of the Central Government at Ahmedabad. The conciliation officer entertained his complaint and issued the notice, dated 25-9-1975, to the Bank in that connection. After the representatives of the Bank, as well as of the workman, appeared before the conciliation officer, negotiations were started and ultimately

a settlement was arrived at between the parties in presence of the conciliation officer on 10-10-1975. It is Ex. 5/2. The said settlement contained only three terms, which are as under :—

- "1. The management of the Bank agreed to offer temporary appointment of clerk/cashier to Shri M. V. Raval within a fortnight.
2. Shri Raval having been qualified in the test will be offered permanent appointment of the Bank when his number comes according to merit.
3. Both the parties agreed to send implementation report by 31st October 1975."

It is the grievance of the workmen that even though the Bank had agreed under the terms of the said settlement, (Ex. 5/2), to give him the appointment within a fortnight from the date of the execution of that settlement, yet the authorities of the Bank did not do so and refused to comply with the said settlement. The workman had no other course left open to him, but to once again approach the conciliation officer. He actually approached that officer, drawing his attention to the attitude of the Bank in not honouring and implementing the settlement, (Ex. 5/2). The conciliation officer addressed the letter, dated 30th March, 1976, (Ex. 5/4), to the regional manager of the Bank at Ahmedabad in respect of this non-implementation of the settlement, dated 10th October, 1975, arrived at between the parties during the course of the conciliation proceedings. After the receipt of this letter, the authorities of the Bank appear to have realised the injustice of their action and, therefore, the workman was directed to take over charge at Nalia branch of the Bank in Kutch with effect from 10-5-1976. Even this appointment was stated to be purely temporary and only for a period of one month. He took charge there on 10-5-1976. However, after the expiry of one month his services were terminated with effect from 9-6-1976. The workman felt that even this action of the Bank was in contravention of the terms and conditions of the settlement, (Ex. 5/2) and, therefore, he again approached the assistant commissioner of Labour, Central Government, in this connection. The said officer addressed the letter, (Ex. 5/5), dated 16-6-1976, to the regional manager of the Bank at Ahmedabad, directing the Bank authorities to continue in employment the workmen in view of the terms and conditions of the said settlement, (Ex. 5/2). To this letter, the Bank gave the reply, (Ex. 14), on 19-6-1976, informing the concerned officer that steps were being taken to see that the workman is again employed in that very branch for a period of two months. However, that assurance was never complied with, and instead of continuing the workman in that branch, he was asked to take charge in the branch of the Bank at Balasinor in Kheda district with effect from 12-10-1976. The workman did so, but, again, after the completion of one month, his services were terminated with effect from 11-11-1976. Again, the workman was given order to take charge at Ahmedabad branch of the Bank in the same district with effect from 8-12-1976. He did so, and worked there till 2-2-1977, on which date again his services were terminated. He remained out of employment and went on requesting the Bank authorities to give him employment. He was asked to report at Jhalod branch of the Bank in the district of Panch Mahals, where he was given duty with effect from 21-4-1977. His services were again terminated with effect from 4-6-1977. He remained out of employment again for a few months and was given re-employment at the same branch with effect from 2-8-1977. Finally, his services were terminated with effect from 17-12-1977. There appears to be a little discrepancy in respect of the date of the final termination of his services. According to the statement of claim, it appears to be 17-12-1977 from Jhalod branch, but according to the schedule attached to the original order, under which this reference has been made, the date of the last termination of his service, is given shown to be 18-12-1977, and that also from the Bhadra branch, Ahmedabad, of the Bank. However, this discrepancy is not material, because the fact remains that his services were finally terminated with effect from either 17-12-1977, or 18-12-1977. Since the order of reference mentions the date, 18-12-1977, and, since that has not been got corrected by the workman, or by anyone on his behalf, for the purposes of this award that date will be considered to be the date of the last termination of his services and that also from the Bhadra branch of the Bank.

6. After this last termination of his services, the workman again went on approaching the authorities of the Bank, but

it appears that no one paid any heed to his entreaties. It is, therefore, that he once again approached the conciliation authorities appointed by the Central Government. However, this time even the said authorities could not bring about any settlement between the parties and, therefore, a failure report was sent to the Central Government by those authorities. Consequently, the industrial dispute raised by the workman was ultimately referred by the Central Government to this Tribunal for adjudication.

7. On behalf of the Bank, the written statement, (Ex. 3), has been filed on 27-10-1978. Through this written statement, a majority of the facts have been admitted by the Bank. The different dates of the appointment of the workman, as well as the different dates of termination of his services, have also been admitted, with only this exception that according to the Bank the workman was first appointed, not with effect from 10-10-1974, but with effect from 16-10-1974, the date from which the salary was paid to him. The fact of the settlement, (Ex. 5/2), having been entered into between the Bank and the workman before the conciliation authorities on 10-10-1975, is also admitted, but in that connection the explanation given by the Bank authorities is that para (2) of that settlement was agreed to by the Bank under a misapprehension, or misunderstanding. Through that para, it was admitted, "Shri Raval having been qualified in the test will be offered permanent appointment of the Bank when his number comes according to merit." It is explained by the Bank that, in fact, the workman, Shri M. V. Raval, had not qualified at any such test, but the man bearing the same initials, i.e., Shri M. V. Raval, was quite a different person who had qualified at that test. In view of this position, it was urged by the Bank that the said settlement, (Ex. 5/2), so far that second term or condition is concerned, would not be binding upon the Bank, as it was agreed to by the Bank under a misapprehension, or a misunderstanding, in respect of the identity of the person who had actually qualified at the test held by the Bank for the purposes of claiming permanency, or confirmation, in the service of the Bank. The contention of the Bank, through this written statement, has been that the appointment of the workman was purely on a temporary basis, and as soon as his services were no more required, they were terminated on different dates accordingly. It was urged by the Bank that full opportunity was given to the Workman to appear at the test and to qualify for permanent absorption in the service of the bank, but in spite of those opportunities, unfortunately the workman could not qualify for the said absorption and, therefore, his services had to be discontinued as and when they were found to be not required by the Bank. This being the position, it was urged on behalf of the Bank that the present reference should be rejected, as no reliefs claimed through it, can be legally granted in favour of the workman.

8. The workman in this reference was represented by Shri K. R. Mehta, the organising secretary, Gujarat Bank Workers' Organisation, (NOBW), on the basis of the authority, (Ex. 3/1), dated 22-12-1978, given by the workman in favour of the said Shri K. R. Mehta. The Bank was represented by their legal officer, Shri N. Y. Oza. So far the oral evidence is concerned, the workman himself has entered into the witness box and his evidence was recorded before this Tribunal at Ex. 7. Thereafter, the closing pursis, (Ex. 10), was given on behalf of the workman on 22-3-1979. As regards the Bank, on their behalf, the evidence of one Shri T. R. Mishra was recorded at Ex. 11. The other witness examined on behalf of the Bank was Shri Bipinchandra Sumantilal, whose evidence is recorded at Ex. 16. The Bank also examined a third witness, one Shri D. C. Barot, at Ex. 20. Thereafter, the Bank also closed its case, vide the pursis (Ex. 22). In addition to the leading of the above mentioned oral evidence by the respective parties, they have also produced a mass of documentary evidence which has been admitted and ultimately exhibited in this reference with their mutual consent. After the closing of their respective cases, the learned representatives of the parties were heard. Shri Oza on behalf of the Bank advanced his oral arguments, but on behalf of the workman, Shri Mehta has submitted his written arguments, a copy of which was also supplied by him to the representative of the Bank, Shri N. Y. Oza. After hearing the learned representatives of the parties, the first point which would arise for determination of this Tribunal, would be, whether the action of the management of the State Bank of India in terminating the services of the workman

with effect from 18-12-1977, can be held to be legal or justified?"

9. In order to effectively and properly answer this point, it will be necessary to examine the nature of the original appointment of the workman in the service of the Bank. It is an admitted position that so far the workmen employed by the Bank are concerned, their service conditions are governed by the two awards, known as the Shastri Award and the Desai Award. They are also governed by the two bi-partite agreements which have been described as first and second bi-partite agreements. So for the present case is concerned, the award which would be applicable at this stage, would be the Shastri Award. Para 508 of Shastri Award, (which will hereinafter be referred to as 'the Award'), on page 140 of the book, in which the Award is published, relates to the classification of employees. The Award has classified the different employees of the banks in 4 categories; viz., (a) permanent employees; (b) probationers; (c) temporary employees and (d) part-time employees. It will have, therefore to be seen as to in which category the workman fell when his first appointment was made under the Bank either with effect from 10-10-1974, as claimed by the workman, or from 16-10-1974, as stated by the Bank. In order to find out the exact category in which the workman fell on either of those days, it will be necessary to refer to the letter of his appointment, as well as the circumstances under which he was appointed, especially the vacancy on which he was appointed. The letter of his appointment is Ex. 2/2, dated 10-10-1974. The opening para of that letter is to the following effect :—

"We have to inform you that you have been appointed as a purely temporary Cashier in the Bank with effect from 10-10-1974 on the following terms and conditions for a period of one month.....".

This would clearly show that he was appointed in the Bank at its Mehsana branch with effect from 10-10-1974. It further shows that his appointment was purely temporary as a cashier and it was only for a period of one month. Obviously, from the date of appointment, i.e., only upto 9-11-1974. This letter was issued to the workman by the branch manager. Naturally, after this appointment was made by the branch manager, it was his duty to communicate the same to the regional manager at Ahmedabad. The branch manager addressed the letter, (Ex. 5/3), dated 22nd November, 1974, to the regional manager, informing him about he having made this appointment of the workman, as also of one other person, by name, Shri B. R. Vankar. The opening para of that letter is also very important and it is to the following effect :—

"I have to advise having appointed the following candidates as temporary cashiers at the Branch in permanent vacancies for a period of one month.....".

It becomes very clear from this letter addressed by the branch manager that the two vacancies in which the workman and one other person, were appointed, though temporarily, were permanent vacancies. As such, the workman was temporarily appointed as cashier for a period of one month with effect from 10-10-1974 in a permanent vacancy of a cashier. This being the position, it will have to be examined against the definitions given in respect of the above mentioned 4 categories of employees of the banks, in order to find out as to in which category the present workman fell at the time of his appointment at Mehsana branch of the Bank.

10. Para 508 of the Award, on page 141, gives the definitions of those 4 categories. According to those definitions, "permanent employees" means as employee who has been appointed as such by the bank." In the instant case, the workman was not appointed as a permanent workman and, therefore, he cannot be placed in that category of permanent employee. A "probationer" is defined as "an employee who is provisionally employed to fill a permanent vacancy or post and has not been made permanent or confirmed in service." In the instant case, the workman was, admittedly, appointed provisionally, or temporarily, to fill, admittedly, a permanent vacancy of a cashier and, therefore, it can be legitimately held that when he was first appointed with effect from 10-10-1974, or 16-10-1974, he had the status of a probationer. Again, the "temporary employee" means, "an

employee who has been appointed for a limited period for work which is of an essentially temporary nature, or who is employed temporarily as an additional employee in connection with a temporary increase in work of a permanent nature." Since the workman was appointed in a permanent vacancy, he could not be described as a temporary employee, as defined under the Award. The fourth category is of a part-time employee which would not be attracted in this case. It is thus fully established, on considering the order of appointment (Ex. 2/2), dated 10-10-1974, and the letter of the branch manager addressed to the regional manager, (Ex. 5/3), dated 22-11-1974, that when the workman was first appointed in Mehsana branch as a temporary cashier in a permanent vacancy, his status was that of a 'probationer' in the service of the Bank. If that is so, it will have to be further found out as to how the services of a probationer could be legally terminated by the authorities of the Bank?

In this connection, a reference is invited to para 522 of the Award, on page 145. Sub-para (1) of that para 522 of the Award, reads as under :—

"(1) In case not involving disciplinary action for misconduct and subject to clause (6) below, the employment of a permanent employee may be terminated by three months' notice or on payment of three months' pay and allowances in lieu of notice. The services of a probationer may be terminated by one month's notice or on payment of a month's pay and allowances in lieu of notice."

It is thus clear that according to this provision in the Award, the services of the workman, who was admittedly a probationer, could legally be terminated only after giving him one month's notice, or on payment of a month's pay and allowance in lieu of notice. It is an admitted position that when his services were terminated for the first time with effect from 6-9-1975, after office hours, neither any such one month's notice was given to him, nor any payment of a month's pay and allowances in lieu of notice was made to him. The evidence of the workman has been recorded at Ex. 7. Through his evidence also, he has asserted that he was not given any retrenchment compensation when his service were finally terminated and he has further stated that when his services were terminated, it was done by an oral order and nothing in writing was given to him. It is not the case of the Bank itself, either disclosed through its written statement, (Ex. 4), or through the evidence led in this reference, that before terminating his services, any such notice was given to him, or any payment was made to him in lieu of that notice. It is thus fully established that the first termination of his services was illegal. This would apply to every subsequent termination of his service, because the Bank has not produced any document to show that after his first appointment, any change was effected either in his designation, or in the nature of his service, viz., the category to which he belonged at the time of his first appointment. In this connection, it will also be necessary to appreciate that having been appointed as a probationer at the initial stage either with effect from 10-10-1974, or 16-10-1974, and having worked in that capacity for a period of over one year, he had attained the status of a confirmed employee of the Bank. In this respect, again, a reference will have to be made to para 495 of the Award, on page 137. It will be necessary to reproduce that para, which is as under :—

"495. As regards the period of probation Mr. Chari suggested two modifications of the directions given in the Sen Award—(1) the period of probation should be only for 3 months which may be extended to 6 months in extreme cases, and (2) the probationers should be given the same salary as permanent employees. In respect of the first, he stated that certain banks such as the Central Bank of India Ltd., Bank of India Ltd., and Bank of Baroda Ltd. generally require probation for 3 months, but in the case of the Imperial Bank of India and the Punjab National Bank Ltd. they require probation for 6 months. This demand was opposed by the banks on the ground that ordinarily a period of 3 months suggested by the workmen was not sufficient to enable the bank management to decide whether or not the probationer should be confirmed.

The Sen Award fixed the period of probation at 6 months which in certain cases would be extended by 3 months. We respectfully agree with the said direction and direct that originally the period of probation should not exceed 6 months. However, in case of persons whose work is not found to be quite satisfactory during the said period but who are likely to improve and give satisfaction if a further opportunity is given to them the period may be extended by three months provided due notice in writing is given to them and their consent in writing is obtained before the extension of their period of probation. In all other cases probationers after the expiry of the period of six months should be deemed to have been confirmed, unless their services are dispensed with on or before the expiry of the period of probation. We further direct that on a candidate's appointment as a temporary employee a probationer or a permanent member of the staff, the bank shall give him a written order specifying the kind of appointment and the pay and allowances to which he would be entitled and that such a written order shall be given on the appointment of a part-time employee also.

It is thus clear that in view of the above mentioned provision in the Award the workman had attained the status of a permanent employee under the Bank after the successful completion of the period of probation for six months. Nothing has been brought on the record of this reference to show that during his service as a probationer in Mehsana branch of the Bank with effect from either 10-10-1974, or 16-10-1974, till 6-9-1975 after office hours, when his services were terminated, he had acted in a manner so as to disqualify him or disentitle him to achieve the status of a permanent employee in accordance with the above mentioned provision in the award. On the contrary the certificate Ex 23/1 given to him shows that his work was satisfactory. If that is so the workman had attained the status of a permanent employee of the Bank after completing service of six months from the date of his appointment as probationer i.e. with effect from either 9-4-1975 or 15-4-1975. It has already been stated above while referring to clause (1) of para 522 of the Award that the services of a permanent employee can be terminated by 3 months' notice, or on payment of 3 months' pay and allowances in lieu of notice. Admittedly, no such procedure was followed by the Bank before terminating the services of the workman with effect from 6-9-1975 after office hours. It is thus clear that the first termination of the services of the workman was illegal and unjustified.

12 Even if it were to be accepted for the sake of arguments that the status of the workman was that of a temporary employee under the Bank upto the last, then too it stands fully proved that his every termination at different point of time was illegal as it was in direct contravention of condition No. 2 contained in the letter of his appointment, (Ex 2/2) dated 10-10-1974. The said condition was to the following effect —

"The Bank will be entitled to terminate your services giving you 14 days notice and without assigning any reason for the termination."

From this condition it becomes clear that authority and power were given to the Bank to terminate his services on giving a 14 days' notice to him before terminating his services on different occasions on no occasion any such 14 days' notice was given to the workman as contemplated under the said condition in the letter of his appointment. This would further show that all terminations at different points of time including the last termination which took place on 18-12-1977 were illegal and unjustified as they were in contravention of the mandatory provisions of the Award as well as the specific condition in the order of his appointment (Ex 2/2) dated 10-10-1974.

13 Before referring to one other legal aspect of this case which has of course not been specifically urged through the statement of claim let me fix the date from which the workman was appointed as a temporary cashier in a permanent vacancy at Mehsana branch of the Bank. The letter of

appointment, (Ex 2/2), dated 10-10-1974, clearly states that he was appointed with effect from 10-10-1974. The Bank has relied upon the letter of the branch manager of the Mehsana Branch addressed to the regional manager (Ex 5/3), dated 22nd November, 1974. In that letter, while referring to the case of the workman the date of his appointment has been shown to be 16-10-1974. It is further urged by the Bank that even the record would show that he was paid his salary not with effect from 10-10-1974 but only with effect from 16-10-1974. In this connection the explanation of the workman, while giving his evidence at Ex 7 is that in fact, he had joined the service with effect from 10-10-1974 as directed in the order of his appointment, (Ex 2/2) dated 10-10-1974 and had also started actually working in the Mehsana branch from 16-10-1974, because it was only on that day that he could furnish a security of Rs 1000 which was demanded from him on account of he having been appointed as a temporary cashier in the Bank. This explanation is given by the workman in his deposition and that has not been challenged or contradicted on behalf of the Bank in any manner. Again, there is another document on the record of this reference, which also lends support to the contention of the workman that he had actually joined the Bank with effect from 10-10-1974 and had also started actually working in the Mehsana branch of the Bank with effect from 10-10-1974. In this connection, on behalf of the workman a memorandum dated 12-7-1975, issued by the then branch manager, one Shri H V Makim of the Mehsana branch of the Bank has been produced. In that memorandum it has been stated 'Whomsoever it may concern'. This shows that this memorandum was issued in the nature of a certificate and it is a typed one, bearing even the stamp of the Bank. It is produced at Ex 23/1. The said certificate, as originally typed, was to the following effect

"Shri M V Raval served as Temporary Cashier with effect from 10-10-1974 to 9-6-1975. During the period of his service his work was found satisfactory."

This certificate further indicates that after the date month and year "10-10-1974", were originally typed, they were subsequently scratched by drawing a line against them, and over them, what was re-written, is, "16-10-1974". This appears to be a clear correction or tampering of the original date, month and year of the actual starting point of the service of the workman in that branch of the Bank. Considering the oral evidence of the workman himself given on oath as well as the order of his appointment, (Ex 2/2), dated 10-10-1974, coupled with this memorandum, or certificate, (Ex 23/1) there remains absolutely no doubt that the workman had started his actual work in the Mehsana branch of the Bank with effect from 10-10-1974 even though his salary was started only with effect from 16-10-1974 obviously because only by that time he had been able to furnish a security in his capacity as a temporary cashier in that branch. It is, therefore held that the workman had actually started working as an employee of the Bank with effect from 10-10-1974.

14 Having held, as above, that the starting point of the service of the workman under the Bank, was 10-10-1974, it will appear that when his services were terminated for the first time with effect from 6-9-1975 after office hours, he had actually worked without any break for 332 days in that Branch. As such, he had put in a continuous service of 332 days under the Bank in its Mehsana branch. His services were terminated, and I have held above that the said termination was illegal and against the mandatory provisions of the Award, as well as the conditions in the order of his appointment, (Ex 2/2) dated 10-10-1974. Now the definition of continuous service is given in Section 25B of the Act Sub-section (1) would apply in cases where actual service is continuously for a period without any break, then in that case, that service shall be treated as continuous for that period. In the instant case, the continuous service of the workman comes to 332 days which are less than 365 days, viz a period of one year. However, sub-section (2) of Section 25B refers to, what has been known under the industrial law, as 'deemed continuous service'. Sub-section (2) of Section 25B of the Act, is to the following effect —

"(2) Where a workman is not in continuous service within the meaning of clause (1) for a period of one year

or six months, he shall be deemed to be in continuous service under an employer—

- (a) for a period of one year, if the workman, during a period of twelve calendar months preceding the date with reference to which calculation is to be made, has actually worked under the employer for not less than—
 - (i) one hundred and ninety days in the case of a workman employed below ground in a mine; and
 - (ii) two hundred and forty days, in any other case;
- (b) for a period of six months, if the workman, during a period of six calendar months preceding the date with reference to which calculation is to be made, has actually worked under the employer for not less than—
 - (i) ninety-five days, in the case of a workman employed below ground in a mine; and
 - (ii) one hundred and twenty days, in any other case.

Explanation.—For the purposes of clause (2), the number of days on which a workman has actually worked under an employer shall include the days on which—

- (i) he has been laid off under an agreement or as permitted by standing orders made under the Industrial Employment (Standing Orders) Act, 1946, or under this Act or under any other law applicable to the industrial establishment ;
- (ii) he has been on leave with full wages, earned in the previous years ;
- (iii) he has been absent due to temporary disablement caused by accident arising out of and in the course of his employment ; and
- (iv) in the case of a female, she has been on maternity leave ; so however, that the total period of such maternity leave does not exceed twelve weeks."

15. Now, in this case the date with reference to which calculation is to be made, would be 7-9-1975, which is the date on which his services were terminated. A period of one year, or 12 calendar months, preceding that date, would begin from 5-9-1974. It will have, therefore, to be found out if during the said period of 12 calendar months, viz., from 5-9-1974 to 5-9-1975, the workman had actually worked under the Bank for a period of 240 days. It has already been stated above that during the said period of 12 calendar months the workman had actually worked for 332 days. Even if it were to be accepted for the sake of argument that he had actually started working with effect from 16-10-1974, as contended by the Bank, then, too, during the said period of 12 calendar months he had actually worked for 326 days, which are, admittedly, more than 240 days. This being the factual and legal position, it can be legitimately held that the services of the workman under the Bank shall have to be deemed to be continuous. If that is so, any termination of such a continuous service, would amount to retrenchment, attracting the provisions of Section 25F of the Act. According to me, the termination of the services of the workman with effect from 6-9-75, after office hours, having been declared to be illegal for the reasons stated above, the break which occurred in his service, with effect from 7-9-1975 to 9-5-1976, as he was re-employed with effect from 10-5-1976 at Nalia branch of the Bank in Kutch, can be legitimately held to be an artificial break. For the same reasons, the subsequent breaks in the service of the workman from time to time at different branches of the Bank, would also be declared to be artificial breaks, as the same were illegal, being in contravention of the mandatory provisions of the Award and the letter of appointment of the workman. If all those breaks are held to be artificial and, therefore, illegal for the above mentioned reasons then the entire service of the workman will have to be considered and held to be continuous till his services were terminated finally with effect from

18-12-1977. By that time, he had, admittedly, put in a total service of more than 3 years and, therefore, the provisions of Section 25F of the Act, would be attracted. It will be necessary to reproduce those provisions of Section 25F of the Act, which are as under :—

"25F. No workman employed in any industry who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until—

- (a) the workman has been given one month's notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of the notice ;
- (b) the workman has been paid, at the time of retrenchment, compensation which shall be equivalent to fifteen days' average pay for every completed year of continuous service or any part thereof in excess of six months ; and
- (c) notice in the prescribed manner is served on the appropriate Government or such authority as may be specified by the appropriate Government by notification in the Official Gazette."

16. It is an admitted position that the three conditions preceding the retrenchment of the workman, were not complied with in this case and, therefore, even on that ground the order of termination of the services of the workman with effect from 18-12-1977 was illegal and unjustified. Having answered the above point in the manner as I have stated above, it will have further to be found out, as to what relief can be legally given to the workman ?

17. It is by now well settled principle of industrial law that once the termination of service of a workman is held to be illegal and unjustified, he would be entitled to reinstatement in his original position, unless there are any special reasons not to order reinstatement but to award compensation in lieu of reinstatement. In this case, there are no such reasons and, on the contrary, the memorandum, or certificate, (Ex. 23/1), dated 12-7-1975, given by the immediate boss of the workman, viz., the then branch manager of the Mehsana branch of the Bank, clearly indicates that the services of the workman for the entire period of 332 days in that branch, were found to be satisfactory. In fact, nothing has been alleged against the workman, so far his merits as an employee of the Bank are concerned. The workman will, therefore, be entitled to be reinstated in the position in which he was serving under the Bank on the day his services were terminated, viz., 18-12-1977. The order of reinstatement would be followed by the order regarding the payment of his back wages. If his services were illegally and unjustifiably terminated, he would be legally entitled to claim his usual wages, including all allowances, etc., for the period for which he was unjustifiably kept out of job and had remained unemployed. The workman has deposed through his evidence at Ex. 7, that after the termination of his services he had tried to secure alternative employment, but had not succeeded in that attempt. It is thus clear that during the period of his unemployment, he was not gainfully employed in any manner and had not earned any money during that period. If that is so, there will be no question of making any adjustment in that respect. As such, the workman would also be entitled to his full back wages with effect from 18-12-1977 till he is actually reinstated in his original position as a cashier under the Bank.

18. (i) It is hereby declared that the action of the management of the State Bank of India, Local Head Office, Bhadra, Ahmedabad, in terminating the services of Shri M. V. Raval, clerk in Bhadra Branch of the Bank, with effect from 18-12-1977, is absolutely illegal and unjustified. The same is, therefore, hereby directed to be set aside.

(ii) It is, therefore, hereby directed that the said workman, **Shri M. V. Raval**, be immediately reinstated in the position in which he was actually working under the Bank on 18-12-1977, the date on which his services were terminated by the Bank.

(iii) It is also directed that the Bank to pay full back wages at the rate at which the said Shri Raval was receiving the same, including the allowances etc., on the date of the termination of his services, i.e., 18-12-1977, with effect from that date, till he is actually reinstated in his original position.

(iv) The arrears of wages found payable to the said workman in view of the above mentioned direction, shall be paid to him within a period of one month from the date of the publication of this award in the Gazette of India.

(v) The first party to bear its own costs and also to pay the costs of the second party, which are quantified at Rs. 500 (**Rupees Five Hundred only**).

R. C. ISRAṆI, Presiding Officer.

Ahmedabad,

Dated 19th September, 1979.

[No. L-12012/23/78-D.II.A]

T. C. GUPTA, Under Secy.